



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

HF2353	2
HF2354	6
HR120	14
S5020	17
SF2241	18
SF2242	73
SF2243	77
SF2244	81
SF2245	83
SF2246	87
SF2247	89
SF2248	157
SF2249	160
SF2250	165
SF2251	169
SF2252	176
SF2253	178
SF2254	181
SF2255	185
SF2256	191
SF2257	193
SSB3185	199
SSB3186	201



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

House File 2353 - Introduced

HOUSE FILE 2353

BY T. TAYLOR

(COMPANION TO LSB 5825SS BY
HORN)

A BILL FOR

1 An Act relating to requirements for drivers of vehicles at
2 railroad grade crossings upon the approach or presence of
3 railroad track equipment, and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5825YH (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2353

1 Section 1. Section 321.341, Code 2011, is amended to read
2 as follows:

3 **321.341 Obedience to signal of indicating approach of**
4 **railroad train or railroad track equipment.**

5 1. When a person driving a vehicle approaches a railroad
6 grade crossing and warning is given by automatic signal,
7 crossing gates, a flag person, or otherwise of the immediate
8 approach of a railroad train or railroad track equipment, the
9 driver of the vehicle shall stop within fifty feet but not less
10 than fifteen feet from the nearest rail and shall not proceed
11 until the driver can do so safely.

12 2. The driver of a vehicle shall stop and remain standing
13 and not traverse such a grade crossing when a crossing gate
14 is lowered or when a human flagman gives or continues to give
15 a signal of the approach or passage of a railroad train or
16 railroad track equipment.

17 Sec. 2. Section 321.342, subsection 1, Code 2011, is amended
18 to read as follows:

19 1. The driver of any vehicle approaching a railroad grade
20 crossing across which traffic is regulated by a stop sign, a
21 railroad sign directing traffic to stop, or an official traffic
22 control signal displaying a flashing red or steady circular red
23 colored light shall stop prior to crossing driving across the
24 railroad grade crossing at the first opportunity at either the
25 clearly marked stop line or at a point near the crossing where
26 the driver has a clear view of the approaching railroad ~~traffic~~
27 train or railroad track equipment.

28 Sec. 3. Section 321.343, subsection 1, Code 2011, is amended
29 to read as follows:

30 1. The driver of a motor vehicle carrying passengers for
31 hire, a school bus, or a vehicle carrying hazardous material
32 and required to stop before crossing driving across a railroad
33 track by motor carrier safety rules adopted under section
34 321.449, before crossing driving across at grade any track of
35 a railroad, shall stop the vehicle within fifty feet but not

LSB 5825YH (2) 84
dea/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2353

1 less than fifteen feet from the nearest rail. While stopped,
2 the driver shall listen and look in both directions for an
3 approaching railroad train or railroad track equipment, and for
4 signals indicating the approach of a railroad train or railroad
5 track equipment, and shall not proceed until the driver can do
6 so safely.

7 Sec. 4. Section 321.343, subsection 2, paragraph a, Code
8 2011, is amended to read as follows:

9 a. If the driver is not always required to stop at a
10 railroad crossing, slow down when approaching the crossing and
11 check that the railroad tracks are clear of an approaching
12 railroad train or railroad track equipment before proceeding.

13 Sec. 5. Section 321.344, subsections 2, 3, and 4, Code 2011,
14 are amended to read as follows:

15 2. Notice of ~~any such~~ the intended crossing shall be given
16 to a superintendent of ~~such the~~ the railroad, and a reasonable
17 time shall be given to ~~such the~~ the railroad to provide proper
18 protection at ~~such the~~ the crossing.

19 3. Before making ~~any such the~~ the crossing, the person operating
20 or moving ~~any such the~~ the vehicle or equipment shall first stop
21 the ~~same~~ vehicle or equipment not less than ten feet nor more
22 than fifty feet from the nearest rail of ~~such railway the~~ the
23 railroad and, while ~~so~~ stopped, shall listen and look in both
24 directions along ~~such the~~ the track for any approaching railroad
25 train or railroad track equipment and for signals indicating
26 the approach of a railroad train or railroad track equipment,
27 and shall not proceed until the crossing can be made safely.

28 4. No such crossing shall be made when warning is given by
29 automatic signal or crossing gates or a flagman or otherwise
30 of the immediate approach of a railroad train or ~~car~~ railroad
31 track equipment.

32 EXPLANATION

33 This bill amends Code provisions relating to requirements
34 for drivers of vehicles at railroad grade crossings. The bill
35 provides that in any situation where a driver is required

LSB 5825YH (2) 84

-2-

dea/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2353

1 to stop or proceed with caution when given warning of an
2 approaching railroad train or is required to stop or be alert
3 for an approaching railroad train, the requirement also applies
4 in the case of approaching railroad track equipment.
5 Pursuant to current law, a person convicted of a railroad
6 crossing violation commits a simple misdemeanor punishable by a
7 scheduled fine of \$200.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

House File 2354 - Introduced

HOUSE FILE 2354
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HSB 590)

(COMPANION TO SF2212 BY
COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA)

A BILL FOR

1 An Act relating to economic development by making technical
2 and policy changes related to environmental response
3 projects and to certain programs administered by the
4 economic development authority and including retroactive
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5263HV (2) 84
ad/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2354

1 DIVISION I
2 TARGETED JOBS WITHHOLDING ELIGIBILITY
3 Section 1. Section 403.19A, subsection 1, paragraph a, Code
4 Supplement 2011, is amended to read as follows:
5 a. "Business" means any an enterprise that is located in
6 this state and that is operated for profit and under a single
7 management. "Business" includes professional services, or
8 industrial enterprise, including and industrial enterprises,
9 including but not limited to medical treatment facilities,
10 manufacturing facilities, corporate headquarters, and research
11 facilities. "Business" does not include a retail operation, a
12 government entity, or a business which closes or substantially
13 reduces its operation in one area of this state and relocates
14 substantially the same operation to another area of this state.

15 DIVISION II
16 ACCELERATED CAREER EDUCATION PHYSICAL INFRASTRUCTURE PROJECTS
17 Sec. 2. Section 260G.6, subsections 1, 3, and 4, Code
18 Supplement 2011, are amended to read as follows:
19 1. An accelerated career education fund is established
20 in the state treasury ~~under the control of the economic~~
21 ~~development authority~~ consisting of moneys appropriated to the
22 ~~authority fund~~ for purposes of funding the cost of accelerated
23 career education program capital projects.
24 3. If moneys are appropriated by the general assembly to
25 support program capital costs, the moneys shall be allocated
26 ~~according to rules adopted by the economic development~~
27 ~~authority pursuant to chapter 17A~~ equally to each community
28 college.
29 4. ~~In order to receive moneys pursuant to this section,~~
30 ~~a program agreement approved by the community college board~~
31 ~~of directors shall be in place, program capital cost requests~~
32 ~~shall be approved by the economic development authority~~
33 ~~created in section 15.105, and employer contributions toward~~
34 ~~program capital costs shall be certified and agreed to in the~~
35 ~~agreement. Program capital cost requests shall be approved~~

LSB 5263HV (2) 84
ad/sc

-1-

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2354

1 ~~or denied not later than sixty days following receipt of the~~
2 ~~request by the economic development authority.~~

3 DIVISION III

4 IOWA INNOVATION COUNCIL

5 Sec. 3. Section 15.117A, subsection 2, Code Supplement
6 2011, is amended by adding the following new paragraph:
7 NEW PARAGRAPH. c. A vacancy on the council shall be filled
8 in the same manner as the original selection and shall be for
9 the remainder of the term.

10 DIVISION IV

11 ENTERPRISE ZONE CERTIFICATION SUNSET

12 Sec. 4. Section 15E.192, subsection 4, paragraph b, Code
13 Supplement 2011, is amended to read as follows:
14 b. A county or city may apply to the authority for an area
15 to be certified as an enterprise zone at any time prior to July
16 1, ~~2012~~ 2014. However, the total amount of land designated as
17 enterprise zones under subsection 1, and any other enterprise
18 zones certified by the authority, excluding those approved
19 pursuant to subsection 2 and section 15E.194, subsections 3 and
20 5, shall not exceed in the aggregate one percent of the total
21 county area.

22 DIVISION V

23 ENVIRONMENTAL RESPONSE PROJECTS

24 Sec. 5. Section 455I.2, subsection 5, unnumbered paragraph
25 1, Code 2011, is amended to read as follows:

26 "*Environmental response project*" means a plan or work
27 performed for environmental remediation or flood control
28 affecting real property and conducted under or by one of the
29 following:

30 Sec. 6. Section 455I.11, subsection 3, Code 2011, is amended
31 to read as follows:

32 3. A person is not responsible for or subject to liability
33 for environmental remediation or flood control solely because
34 it has the right to enforce an environmental covenant.

35 Sec. 7. RETROACTIVE APPLICABILITY AND COVENANT VALIDITY.

LSB 5263HV (2) 84

-2-

ad/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2354

1 1. This division of this Act applies retroactively to
2 an instrument entered into on or after July 1, 1992, and
3 before the effective date of this division of this Act, if the
4 instrument meets the following requirements:

5 a. The instrument creates restrictions or obligations with
6 respect to flood control affecting real property that would
7 qualify as activity and use limitations under chapter 455I, as
8 amended in this division of this Act.

9 b. A grantor or holder or a party to or beneficiary of
10 the instrument, as named in the instrument, files by July 1,
11 2013, in the office of the recorder of deeds of the county in
12 which the real estate is situated, a statement in writing, duly
13 acknowledged, doing all of the following:

14 (1) Definitely describing the real estate involved and
15 the originally recorded instrument creating the restrictions
16 or obligations with respect to flood control affecting real
17 property.

18 (2) Declaring that such instrument is an environmental
19 covenant for purposes of chapter 455I, as amended in this
20 division of this Act.

21 2. An instrument meeting the requirements of this section of
22 this division of this Act is valid and enforceable under the
23 provisions of chapter 455I, as amended in this division of this
24 Act, and the validity of the environmental covenant established
25 by the instrument is not impaired by section 558.68 or 614.24.

26 DIVISION VI

27 REGIONAL SPORTS AUTHORITY DISTRICTS

28 Sec. 8. Section 15E.321, subsection 2, Code Supplement
29 2011, is amended to read as follows:

30 2. a. A convention and visitors bureau may apply to the
31 authority for certification of a regional sports authority
32 district which may include more than one city and more than
33 one convention and visitors bureau within the district. The
34 authority shall not certify more than ten such districts.

35 b. If more than ten applications are received in any

LSB 5263HV (2) 84
ad/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2354

1 certification year, the authority shall certify the districts
2 on a competitive basis. In evaluating the applications for
3 certification, the authority shall consider the economic impact
4 to the state of the activities proposed in the application, the
5 geographic diversity of the districts applying, and any other
6 factors the authority deems relevant.

7 DIVISION VII

8 CONFIDENTIAL INFORMATION

9 Sec. 9. Section 15.118, subsection 2, Code Supplement 2011,
10 is amended to read as follows:

11 2. All information contained in an application for
12 financial assistance submitted to the authority shall remain
13 confidential while the authority is reviewing the application,
14 processing requests for confidentiality, negotiating with the
15 applicant, and preparing the application for consideration by
16 the director or the board. The authority may release certain
17 information in an application for financial assistance to a
18 third party for technical review. If the authority releases
19 such information to a third party, the authority shall ensure
20 that the third party protects such information from public
21 disclosure. After the authority has considered a request for
22 confidentiality pursuant to subsection 3, any information not
23 deemed confidential shall be made publicly available. Any
24 information deemed confidential by the authority shall also
25 be kept confidential during and following administration of
26 a contract executed pursuant to a successful application.
27 Information deemed confidential may be treated as such for as
28 long as the authority deems necessary to protect an applicant's
29 competitive position, and the confidential treatment of the
30 information shall apply whether the authority is in possession
31 of the information or whether the information has been sent to
32 off-site storage or to the state archivist.

33 DIVISION VIII

34 EMPLOYEES ELIGIBLE FOR JOBS TRAINING PROGRAMS

35 Sec. 10. Section 260E.2, subsection 6, Code 2011, is amended

LSB 5263HV (2) 84

ad/sc

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2354

1 to read as follows:

2 6. "Employee" means the person employed in a new job.
3 "Employee" does not include a person not subject to the
4 withholding of Iowa income pursuant to a reciprocal agreement
5 under section 422.8, subsection 5.

6 Sec. 11. Section 260F.2, subsection 6, Code Supplement
7 2011, is amended to read as follows:

8 6. "Employee" means a person currently employed by a
9 business who is to be trained. However, "employee" does not
10 include a person with executive responsibilities or replacement
11 workers who are hired as a result of a strike, lockout, or
12 other labor dispute in Iowa.

13 EXPLANATION

14 This bill makes technical and policy changes relating
15 to environmental response projects and certain programs
16 administered by the economic development authority (EDA).

17 Division I of the bill amends the definition of "business"
18 under Code section 403.19A, which determines the eligibility
19 of an entity to enter into an agreement with a pilot project
20 city under the targeted jobs withholding credit program. The
21 bill adds that a business for purposes of the targeted jobs
22 withholding credit program is a for-profit enterprise that
23 is located within the state and that operates under single
24 management. The bill provides that a government entity does
25 not constitute a business for purposes of the program.

26 Division II of the bill amends Code section 260G.6 to provide
27 that the EDA would not control the accelerated career education
28 fund, and appropriations for accelerated career education would
29 be directed to the fund rather than the EDA. The bill states
30 that moneys appropriated by the general assembly for program
31 capital costs shall be allocated equally to each community
32 college rather than requiring the EDA to allocate the moneys.
33 The bill strikes language that requires a program agreement to
34 be in place. The bill strikes language that would require the
35 EDA to approve program capital cost requests.

LSB 5263HV (2) 84
ad/sc

-5-

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2354

1 Division III of the bill amends Code section 15.117A to
2 require a vacancy on the Iowa innovation council be filled
3 for the remainder of the term in the same manner in which the
4 original selection was made.

5 Division IV of the bill amends Code section 15E.192 to allow
6 counties or cities to apply to the EDA to be certified as an
7 enterprise zone any time prior to July 1, 2014, rather than
8 July 1, 2012.

9 Division V of the bill amends Code section 455I.2 defining
10 an environmental response project to include a plan or
11 work performed for flood control. Current law and the bill
12 exempt a flood covenant that meets certain standards from
13 the requirement that certain conveyances containing land use
14 restrictions be renewed every 21 years. Under the bill, a
15 flood covenant can be exempted if a grantor or holder or
16 any party to or beneficiary of the flood control covenant,
17 who is named in the document creating the flood control
18 covenant, files a written statement that is duly acknowledged
19 and definitely describes the real estate involved in the
20 original recorded flood control covenant and describes the
21 originally recorded flood control covenant. The written
22 statement must also declare that the flood control covenant is
23 an environmental covenant for purposes of Code chapter 455I.
24 Division V applies retroactively to eligible flood control
25 covenants entered into on or after July 1, 1992, and before the
26 effective date of this division of this Act.

27 Division VI of the bill amends Code section 15E.321 to
28 include criteria for the EDA to consider when determining
29 whether to certify a regional sports authority district when
30 more than 10 applications for certification are received.

31 Division VII of the bill amends Code section 15.118 to add
32 that an applicant's confidential information contained in an
33 application for financial assistance may remain confidential
34 as long as necessary to protect the applicant's competitive
35 position. The bill also provides that the information's

LSB 5263HV (2) 84
ad/sc

-6-

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.F. 2354

1 confidential status and treatment applies regardless of
2 whether the authority has possession of the information or the
3 information has been sent to off-site storage or the state
4 archivist.

5 Division VIII of the bill amends Code sections 260E.2 and
6 260F.2 regarding the definition of an employee for purposes
7 of the industrial new jobs training and the jobs training
8 programs, respectively. The bill provides that an employee for
9 purposes of eligibility for the jobs training program does not
10 include a person with executive responsibilities. The bill
11 also provides that a person not subject to withholding of Iowa
12 income tax because of a reciprocal withholding agreement with
13 another state does not qualify as an employee for purposes of
14 eligibility for the industrial jobs training program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

House Resolution 120 - Introduced

HOUSE RESOLUTION NO. 120

BY L. MILLER

1 A Resolution recognizing November 2012 as COPD
2 Awareness Month.

3 WHEREAS, chronic obstructive pulmonary disease
4 (COPD) is a term used to describe airflow obstruction
5 that is associated mainly with emphysema and chronic
6 bronchitis; and

7 WHEREAS, COPD affects an estimated 24 million people
8 and kills more than 120,000 Americans every year, with
9 an average of one person dying from COPD every four
10 minutes, an alarming statistic for a disease many have
11 never heard of; and

12 WHEREAS, in 2008 COPD became the third leading cause
13 of death in the United States; and

14 WHEREAS, pulmonary experts predict that by the year
15 2020, COPD will become the leading cause of death
16 worldwide; and

17 WHEREAS, COPD currently accounts for 1.5 million
18 emergency department visits, 726,000 hospitalizations,
19 and 8 million physician office and hospital outpatient
20 visits, all of which are a detriment to the U.S.
21 economy, costing the nation an estimated \$49.9 billion
22 in direct and indirect medical costs annually; and

23 WHEREAS, in 2007 and 2008, 3,452 Iowans 45 years of
24 age and older died from COPD; and

25 WHEREAS, between 2006 and 2008, COPD
26 hospitalizations in Iowa rose from a rate of 4.4
27 per 1,000 to 4.9 per 1,000, with the average
28 hospitalization for COPD costing \$12,938, excluding

LSB 6052HH (7) 84

-1- jr/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.R. 120

1 professional fees, in 2008; and

2 WHEREAS, the American Lung Association in Iowa is
3 implementing the Iowa COPD Strategic Plan, a statewide
4 effort to increase early detection, improve care and
5 treatment, and prevent and reduce the prevalence of the
6 disease; and

7 WHEREAS, research has identified a hereditary
8 protein deficiency called Alpha-1 Antitrypsin which
9 predisposes people to developing COPD, even without
10 exposure to smoking or environmental triggers; and

11 WHEREAS, recently the death rate for women with COPD
12 has surpassed the death rate of men with COPD, with
13 women over the age of 40 being the fastest-growing
14 segment of the population developing this irreversible
15 disease, due in large part to the equalization of
16 opportunities for men and women to smoke over the past
17 several generations; and

18 WHEREAS, spirometry testing and medical treatments
19 exist to address symptom relief and possibly slow the
20 progression of the disease, but there is currently no
21 cure for COPD; and

22 WHEREAS, until there is a cure, the best approaches
23 to preventing COPD and its considerable health,
24 societal, and mortality impacts lie with education,
25 awareness, and expanded delivery of detection and
26 management protocols; NOW THEREFORE,

27 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
28 That the House of Representatives recognizes the month
29 of November 2012 as COPD Awareness Month in the State
30 of Iowa in recognition of this deadly disease and its

LSB 6052HH (7) 84

-2- jr/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

H.R. 120

1 effects on the citizens of Iowa.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2217

S-5020

1 Amend Senate File 2217 as follows:

2 1. Page 7, line 31, after <subsection 2> by
3 inserting <, and a certified copy of each ordinance
4 imposing a local option sales and services tax as
5 required under subsection 4A>

6 2. Page 9, after line 30 by inserting:

7 <4A. a. The board shall not approve a project
8 plan application for a governmental entity as defined
9 in section 418.1, subsection 4, paragraph "a",
10 that includes financial assistance from the flood
11 mitigation fund or the use of sales tax revenue unless
12 the governmental entity is imposing a local option
13 sales and services tax in the unincorporated areas of
14 the county pursuant to chapter 423B on the date the
15 application is filed with the board and a portion of
16 such local option sales and services tax revenue is
17 designated for disaster rebuilding, flood control,
18 flood protection, and future flood prevention.

19 b. The board shall not approve a project plan
20 application for a governmental entity as defined
21 in section 418.1, subsection 4, paragraph "b", that
22 includes financial assistance from the flood mitigation
23 fund or the use of sales tax revenue unless the
24 governmental entity is imposing a local option sales
25 and services tax in the city pursuant to chapter 423B
26 on the date the application is filed with the board and
27 a portion of such local option sales and services tax
28 revenue is designated for disaster rebuilding, flood
29 control, flood protection, and future flood prevention.

30 c. The board shall not approve a project plan
31 application for a governmental entity as defined
32 in section 418.1, subsection 4, paragraph "c", that
33 includes financial assistance from the flood mitigation
34 fund or the use of sales tax revenue unless each city
35 participating in the chapter 28E agreement is imposing
36 a local option sales and services tax in the city
37 pursuant to chapter 423B on the date the application
38 is filed with board and a portion of such local
39 option sales and services tax revenue in each city
40 is designated for disaster rebuilding, flood control,
41 flood protection, and future flood prevention.>

42 3. By renumbering, redesignating, and correcting
43 internal references as necessary.

JOE BOLKCOM

SF2217.4237 (3) 84

-1-

md/sc

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2241 - Introduced

SENATE FILE 2241

BY ZAUN, CHELGREN, BOETTGER,
and McKINLEY

A BILL FOR

1 An Act relating to education and school district funding
2 by abolishing the department of education and the state
3 board of education, modifying the duties and authority of
4 certain state and local governmental entities, establishing
5 an education savings grant program and fund, making
6 appropriations, modifying the school district funding
7 formula, providing penalties, and including effective date
8 and applicability provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5749XS (19) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

DIVISION I

REPEAL OF DEPARTMENT OF EDUCATION AND
STATE BOARD OF EDUCATION

Section 1. Section 256A.2, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 2. Section 256A.2, subsection 2, Code 2011, is amended to read as follows:

2. Staff assistance for the council shall be provided by the department of ~~education~~ human services. Members of the council shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and shall receive per diem compensation at the level authorized under section 7E.6, subsection 1, paragraph "a".

Sec. 3. Section 256A.3, subsection 4, Code 2011, is amended to read as follows:

4. Make recommendations to the department of ~~education~~ human services and the general assembly regarding appropriate curricula and staff qualifications and training for early elementary education, coordination of the curricula with child development programs, and the development of an at-risk children definition for use in school-district-sponsored early elementary and before and after school child care programs.

Sec. 4. Section 256A.4, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department of ~~education~~ human services shall develop guidelines for family support programs. Program components may include, but are not limited to, all of the following:

Sec. 5. NEW SECTION. **256B.16 Transfer of authority and duties.**

1. Beginning July 1, 2013, the authority and duties of the department of education, the state board of education, and the director of the department of education under this chapter shall be transferred to the department of human services and the director of human services. Accordingly, beginning July 1, 2013, all references to the department of education under

LSB 5749XS (19) 84
md/sc

-1-

1/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 this chapter and references to the department of education
2 under other provisions of law relating to this chapter shall
3 mean the department of human services and all references to
4 the state board of education or the director of the department
5 of education under this chapter or other provisions of law
6 relating to this chapter shall mean the director of human
7 services.

8 2. Beginning July 1, 2013, the division of special education
9 created within the department of education under section 256B.1
10 shall be transferred to the department of human services.

11 3. Any moneys remaining in any account or fund under the
12 control of the department of education at the conclusion
13 of the fiscal year beginning July 1, 2012, relative to
14 the provisions of this chapter shall be transferred to the
15 control of the department of human services for such purposes.
16 Notwithstanding section 8.33, the moneys transferred in
17 accordance with this subsection shall not revert to the account
18 or fund from which appropriated or transferred.

19 4. Any contract entered into by the department of education
20 relating to the provisions of this chapter in effect at the
21 conclusion of the fiscal year beginning July 1, 2012, shall
22 continue in full force and effect pending transfer of such
23 contracts to the department of human services.

24 5. Any rule, regulation, form, order, or directive
25 promulgated by the department of education relative to the
26 provisions of this chapter in existence at the conclusion of
27 the fiscal year beginning July 1, 2012, shall continue in full
28 force and effect until amended, repealed, or supplemented by
29 affirmative action of the department of human services under
30 the duties and powers established in this chapter and under the
31 procedure established in subsection 6.

32 6. In regard to updating references and format in the Iowa
33 administrative code in order to correspond to the transferring
34 of duties of this chapter, the administrative rules coordinator
35 and the administrative rules review committee, in consultation



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 with the administrative code editor, shall jointly develop a
2 schedule for the necessary updating of the Iowa administrative
3 code.

4 Sec. 6. Section 256C.1, Code 2011, is amended to read as
5 follows:

6 **256C.1 Definitions.**

7 As used in this chapter:

8 1. *"Approved local program"* means a school district's
9 program for four-year-old children ~~approved by the department~~
10 ~~of education to provide high quality preschool instruction.~~

11 2. *"Department"* ~~means the department of education.~~

12 3. *"Director"* ~~means the director of the department of~~
13 ~~education.~~

14 4. 2. *"Preschool program"* means the statewide preschool
15 program for four-year-old children created in accordance with
16 this chapter.

17 5. 3. *"School district approved to participate in the*
18 *preschool program"* means a school district that meets the
19 school district requirements under section 256C.3 ~~and has been~~
20 ~~approved by the department to participate in the preschool~~
21 ~~program.~~

22 6. *"State board"* ~~means the state board of education.~~

23 Sec. 7. Section 256C.2, subsection 2, Code 2011, is amended
24 by striking the subsection.

25 Sec. 8. Section 256C.3, subsection 2, paragraph a,
26 subparagraph (3), Code 2011, is amended to read as follows:

27 (3) The individual possesses a bachelor's or graduate
28 degree from an accredited college or university with a major
29 in early childhood education or other appropriate major
30 ~~identified in rule by the department as determined by the~~
31 ~~school district's board of directors.~~

32 Sec. 9. Section 256C.3, subsection 3, unnumbered paragraph
33 1, Code 2011, is amended to read as follows:

34 ~~The state board shall adopt rules to further define the~~
35 ~~following preschool program requirements which shall be used to~~

LSB 5749XS (19) 84

md/sc

3/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 ~~determine whether or not a~~ Each local program implemented by
2 a school district approved to implement the preschool program
3 ~~qualifies as an approved local program~~ shall address or conform
4 with all of the following:

5 Sec. 10. Section 256C.3, subsection 4, Code 2011, is amended
6 by striking the subsection and inserting in lieu thereof the
7 following:

8 4. *School district requirements.*

9 a. Subject to implementation of chapter 28E agreements
10 between a school district and community-based providers of
11 services to four-year-old children, a four-year-old child who
12 is enrolled in a child care center or child development home
13 licensed or registered under chapter 237A, or in an existing
14 public or private preschool program, shall be eligible for
15 services provided by the school district's local preschool
16 program.

17 b. Professional development for school district preschool
18 teachers shall be addressed in the school district's
19 professional development plan implemented in accordance with
20 section 284.6.

21 Sec. 11. Section 256C.3, subsection 5, Code 2011, is amended
22 by striking the subsection.

23 Sec. 12. Section 256C.4, subsection 1, paragraph d, Code
24 2011, is amended to read as follows:

25 d. Preschool foundation aid funding shall not be commingled
26 with the other state aid payments made under section 257.16
27 to a school district and shall be accounted for by the local
28 school district separately from the other state aid payments.
29 Preschool foundation aid payments made to school districts
30 are miscellaneous income for purposes of chapter 257. A
31 school district shall maintain a separate listing within its
32 budget for preschool foundation aid payments received and
33 expenditures made. ~~A school district shall certify to the~~
34 ~~department of education that preschool~~ Preschool foundation aid
35 funding received by the school district ~~was~~ shall be used to



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 supplement, not supplant, moneys otherwise received and used by
2 the school district for preschool programming.

3 Sec. 13. Section 256C.5, subsection 1, paragraph a, Code
4 Supplement 2011, is amended to read as follows:

5 a. *"Base year", "budget year", "regular program state cost*
6 *per pupil", and "school district"* mean the same as defined or
7 described in chapter 257.

8 Sec. 14. Section 256C.5, subsection 1, Code Supplement
9 2011, is amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. *"Regular program state cost per pupil"*
11 means five thousand eight hundred eighty-three dollars.

12 Sec. 15. Section 256C.5, subsection 2, Code Supplement
13 2011, is amended to read as follows:

14 2. *Preschool foundation aid district amount.*

15 a. For the initial school year for which a school district
16 approved to participate in the preschool program ~~receives that~~
17 ~~approval and~~ implements the preschool program, the funding for
18 the preschool foundation aid payable to that school district
19 shall be paid from the appropriation made for that school
20 year in section 256C.6 or in another appropriation made for
21 purposes of this chapter. For that school year, the preschool
22 foundation aid payable to the school district is the product of
23 the regular program state cost per pupil for the school year
24 multiplied by sixty percent of the school district's eligible
25 student enrollment on the date in the school year ~~determined~~
26 ~~by rule.~~

27 b. For budget years subsequent to the initial school year
28 for which a school district approved to participate in the
29 preschool program ~~receives that initial approval and~~ implements
30 the preschool program, the funding for the preschool foundation
31 aid payable to that school district shall be paid from the
32 appropriation made in section 257.16. ~~Continuation of a~~
33 ~~school district's participation in the preschool program for~~
34 ~~a second or subsequent budget year is subject to the approval~~
35 ~~of the department based upon the school district's compliance~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

~~1 with accountability provisions and the department's on-site
2 review of the school district's implementation of the preschool
3 program.~~

4 Sec. 16. Section 256C.5, subsection 4, Code Supplement
5 2011, is amended by striking the subsection.

6 Sec. 17. NEW SECTION. **256F.12 Transfer of authority and
7 duties.**

8 1. Beginning July 1, 2013, the authority and duties of the
9 department of education, the state board, and the director of
10 the department of education under this chapter, to the extent
11 feasible, shall be transferred to the board of directors of
12 the community college serving the merged area in which the
13 charter school or innovation zone school, or such proposed
14 school, is located. Accordingly, beginning July 1, 2013, all
15 references to the department of education, the state board of
16 education, and the director of the department of education
17 under this chapter or other provisions of law relating to this
18 chapter shall mean the board of directors of the community
19 college serving the merged area in which the charter school or
20 innovation zone school, or such proposed school, is located.

21 2. Any contract entered into by the department of education
22 relating to the provisions of this chapter in effect at the
23 conclusion of the fiscal year beginning July 1, 2012, shall
24 continue in full force and effect pending transfer of such
25 contracts to the appropriate community college board of
26 directors.

27 3. Any rule, regulation, form, order, or directive
28 promulgated by the department of education relative to the
29 provisions of this chapter in existence at the conclusion of
30 the fiscal year beginning July 1, 2012, shall continue in full
31 force and effect.

32 Sec. 18. Section 256G.2, subsections 1 and 2, Code 2011, are
33 amended by striking the subsections.

34 Sec. 19. Section 256G.3, subsection 1, paragraph a,
35 subparagraph (2), Code 2011, is amended to read as follows:

LSB 5749XS (19) 84
md/sc

6/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 (2) The policy shall include, in order of consideration,
2 the reasons for which a request to transfer to the research
3 and development school will be allowed by the school district.
4 The research and development school may deny any request for
5 transfer under the policy ~~and such denial for transfer is~~
6 ~~not subject to appeal under section 290.1.~~ The research and
7 development school shall report the transfer and enrollment
8 of a new student directly to the ~~department~~ state board of
9 regents.

10 Sec. 20. Section 256G.4, subsection 2, Code 2011, is amended
11 to read as follows:

12 2. The ~~department~~ state board of regents shall be the
13 accreditation agency and as such shall serve as the authority
14 on teacher qualification requirements and waiver provisions.

15 Sec. 21. Section 256G.4, subsection 3, paragraph a,
16 unnumbered paragraph 1, Code 2011, is amended to read as
17 follows:

18 A ~~seventeen-member~~ sixteen-member advisory council is
19 created, composed of the following members:

20 Sec. 22. Section 256G.4, subsection 3, paragraph a,
21 subparagraph (1), subparagraph division (a), Code 2011, is
22 amended by striking the subparagraph division.

23 Sec. 23. Section 256G.4, subsection 3, paragraph a,
24 subparagraph (2), unnumbered paragraph 1, Code 2011, is amended
25 to read as follows:

26 Ten members, as follows, who shall be ~~jointly~~ recommended
27 for membership by the president ~~and the director~~, shall be
28 ~~jointly~~ approved by the state board of regents ~~and the state~~
29 ~~board of education~~, shall serve three-year staggered terms, and
30 shall be eligible to serve for two consecutive three-year terms
31 on the council in addition to any partial, initial term:

32 Sec. 24. Section 256G.4, subsection 3, paragraph c,
33 subparagraph (2), Code 2011, is amended to read as follows:

34 (2) The advisory council shall provide an annual report to
35 the president, ~~the director~~, the state board of regents, ~~the~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 ~~state board of education~~, and the general assembly.

2 Sec. 25. Section 256G.4, subsection 4, paragraph a,
3 unnumbered paragraph 1, Code 2011, is amended to read as
4 follows:

5 ~~An eleven-member~~ A ten-member standing institutional
6 research committee, appointed by the president ~~and the~~
7 ~~director~~, is created, composed of the following members:

8 Sec. 26. Section 256G.4, subsection 4, paragraph a,
9 subparagraph (10), Code 2011, is amended by striking the
10 subparagraph.

11 Sec. 27. NEW SECTION. **256H.4 Transfer of authority and**
12 **duties.**

13 1. Beginning July 1, 2013, the authority and duties of the
14 department of education and the director of the department
15 of education under this chapter shall be transferred to the
16 adjutant general of the state. Accordingly, beginning July 1,
17 2013, all references to the department of education and the
18 director of the department of education under this chapter or
19 other provisions of law relating to this chapter shall mean
20 adjutant general of the state.

21 2. Any contract entered into by the department of education
22 relating to the provisions of this chapter in effect at the
23 conclusion of the fiscal year beginning July 1, 2012, shall
24 continue in full force and effect pending transfer of such
25 contracts to the adjutant general of the state.

26 3. Any rule, regulation, form, order, or directive
27 promulgated by the department of education relative to the
28 provisions of this chapter in existence upon conclusion of the
29 fiscal year beginning July 1, 2012, shall continue in full
30 force and effect.

31 Sec. 28. NEW SECTION. **256I.13 Transfer of authority and**
32 **duties.**

33 1. Beginning July 1, 2013, the authority and duties
34 of the department of education and the director of the
35 department of education under this chapter shall be transferred



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 to the department of human services and the director of
2 human services. Accordingly, beginning July 1, 2013, all
3 references to the department of education or the director
4 of the department of education under this chapter or under
5 other provisions of law relating to this chapter shall mean
6 the department of human services and the director of human
7 services.

8 2. Any moneys remaining in any account or fund under the
9 control of the department of education at the conclusion
10 of the fiscal year beginning July 1, 2012, relative to
11 the provisions of this chapter shall be transferred to the
12 control of the department of human services for such purposes.
13 Notwithstanding section 8.33, the moneys transferred in
14 accordance with this subsection shall not revert to the account
15 or fund from which appropriated or transferred.

16 3. Any contract entered into by the department of education
17 relating to the provisions of this chapter in effect at the
18 conclusion of the fiscal year beginning July 1, 2012, shall
19 continue in full force and effect pending transfer of such
20 contracts to the department of human services.

21 4. Any rule, regulation, form, order, or directive
22 promulgated by the department of education relative to the
23 provisions of this chapter in existence at the conclusion of
24 the fiscal year beginning July 1, 2012, shall continue in full
25 force and effect until amended, repealed, or supplemented by
26 affirmative action of the department of human services under
27 the duties and powers established in this chapter and under the
28 procedure established in subsection 5.

29 5. In regard to updating references and format in the Iowa
30 administrative code in order to correspond to the transferring
31 of duties of this chapter, the administrative rules coordinator
32 and the administrative rules review committee, in consultation
33 with the administrative code editor, shall jointly develop a
34 schedule for the necessary updating of the Iowa administrative
35 code.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 Sec. 29. Section 257C.5, subsection 1, Code 2011, is amended
2 to read as follows:

3 1. The powers of the authority are vested in and exercised
4 by a board consisting of five members, including the treasurer
5 of state, ~~the director of the department of education,~~ and the
6 director of the department of management, and ~~two~~ three members
7 appointed by the governor, subject to confirmation by the
8 senate. The state officials may designate representatives to
9 serve on the board for them. As far as possible, the governor
10 shall appoint members who are knowledgeable or experienced in
11 the school systems of this state or in finance.

12 Sec. 30. NEW SECTION. **258.18 Transfer of authority and**
13 **duties.**

14 1. Beginning July 1, 2013, the authority and duties of the
15 department of education, the state board of education, and the
16 director of the department of education under this chapter
17 shall be transferred to the department of workforce development
18 and the director of the department of workforce development.
19 Accordingly, beginning July 1, 2013, all references to the
20 department of education under this chapter and references
21 to the department of education under other provisions of
22 law relating to this chapter shall mean the department of
23 workforce development and all references to the state board
24 of education or the director of the department of education
25 under this chapter or other provisions of law relating to this
26 chapter shall mean the director of the department of workforce
27 development.

28 2. Any moneys remaining in any account or fund under the
29 control of the department of education at the conclusion
30 of the fiscal year beginning July 1, 2012, relative to the
31 provisions of this chapter shall be transferred to the control
32 of the department of workforce development for such purposes.
33 Notwithstanding section 8.33, the moneys transferred in
34 accordance with this subsection shall not revert to the account
35 or fund from which appropriated or transferred.

LSB 5749XS (19) 84

-10-

md/sc

10/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 3. Any contract entered into by the department of education
2 relating to the provisions of this chapter in effect at the
3 conclusion of the fiscal year beginning July 1, 2012, shall
4 continue in full force and effect pending transfer of such
5 contracts to the department of workforce development.

6 4. Any rule, regulation, form, order, or directive
7 promulgated by the department of education relative to the
8 provisions of this chapter in existence at the conclusion of
9 the fiscal year beginning July 1, 2012, shall continue in full
10 force and effect until amended, repealed, or supplemented by
11 affirmative action of the department of workforce development
12 under the duties and powers established in this chapter and
13 under the procedure established in subsection 5.

14 5. In regard to updating references and format in the Iowa
15 administrative code in order to correspond to the transferring
16 of duties of this chapter, the administrative rules coordinator
17 and the administrative rules review committee, in consultation
18 with the administrative code editor, shall jointly develop a
19 schedule for the necessary updating of the Iowa administrative
20 code.

21 Sec. 31. NEW SECTION. **259.1A Transfer of authority and**
22 **duties.**

23 1. Beginning July 1, 2013, the authority and duties of the
24 department of education, the state board of education, and the
25 director of the department of education under this chapter
26 shall be transferred to the department of workforce development
27 and the director of the department of workforce development.
28 Accordingly, beginning July 1, 2013, all references to the
29 department of education under this chapter and references
30 to the department of education under other provisions of
31 law relating to this chapter shall mean the department of
32 workforce development and all references to the state board
33 of education or the director of the department of education
34 under this chapter or other provisions of law relating to this
35 chapter shall mean the director of the department of workforce



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 development.

2 2. Beginning July 1, 2013, the division of vocational
3 rehabilitation services created within the department of
4 education under section 259.3 shall be transferred to the
5 department of workforce development.

6 3. Any moneys remaining in any account or fund under the
7 control of the department of education at the conclusion
8 of the fiscal year beginning July 1, 2012, relative to the
9 provisions of this chapter shall be transferred to the control
10 of the department of workforce development for such purposes.
11 Notwithstanding section 8.33, the moneys transferred in
12 accordance with this subsection shall not revert to the account
13 or fund from which appropriated or transferred.

14 4. Any contract entered into by the department of education
15 relating to the provisions of this chapter in effect at the
16 conclusion of the fiscal year beginning July 1, 2012, shall
17 continue in full force and effect pending transfer of such
18 contracts to the department of workforce development.

19 5. Any rule, regulation, form, order, or directive
20 promulgated by the department of education relative to the
21 provisions of this chapter in existence at the conclusion of
22 the fiscal year beginning July 1, 2012, shall continue in full
23 force and effect until amended, repealed, or supplemented by
24 affirmative action of the department of workforce development
25 under the duties and powers established in this chapter and
26 under the procedure established in subsection 6.

27 6. In regard to updating references and format in the Iowa
28 administrative code in order to correspond to the transferring
29 of duties of this chapter, the administrative rules coordinator
30 and the administrative rules review committee, in consultation
31 with the administrative code editor, shall jointly develop a
32 schedule for the necessary updating of the Iowa administrative
33 code.

34 Sec. 32. Section 259A.1, Code 2011, is amended to read as
35 follows:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 **259A.1 Tests.**

2 ~~The department of education~~ Each board of directors of
3 the community college serving the merged area shall cause to
4 be made available for qualified individuals a high school
5 equivalency diploma. The diploma shall be issued on the basis
6 of satisfactory competence as shown by tests covering all
7 of the following: reading, arts, language arts, writing,
8 mathematics, science, and social studies.

9 Sec. 33. Section 259A.2, unnumbered paragraph 2, Code 2011,
10 is amended to read as follows:

11 Application shall be made to a testing center approved
12 by the ~~department of education~~ board of directors of the
13 community college serving the merged area, accompanied by an
14 application fee in an amount prescribed by the ~~department board~~
15 of directors of the community college. The test scores shall
16 be forwarded by the testing center to the ~~department board of~~
17 directors of the community college.

18 Sec. 34. Section 259A.3, Code Supplement 2011, is amended
19 to read as follows:

20 **259A.3 Notice and fee.**

21 Any applicant who has achieved the minimum passing standards
22 as established by the ~~department, and approved by the state~~
23 ~~board,~~ board of directors of the community college shall be
24 issued a high school equivalency diploma ~~by the department~~ upon
25 payment of an additional amount determined ~~in rules adopted by~~
26 ~~the state board of education by the board~~ to cover the actual
27 costs of the production and distribution of the diploma. ~~The~~
28 ~~state board of education may also by rule establish a fee for~~
29 ~~the issuance or verification of a transcript which shall be~~
30 ~~based on the actual costs of the production or verification of~~
31 ~~a transcript.~~

32 Sec. 35. Section 259A.4, Code 2011, is amended to read as
33 follows:

34 **259A.4 Use of fees.**

35 The fees collected under the provisions of this chapter



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 shall be used for the expenses incurred in administering,
2 providing test materials, scoring of examinations and issuance
3 of high school equivalency diplomas, and shall be disbursed
4 on the authorization of the ~~director of the department of~~
5 ~~education~~ board of directors of the community college. The
6 treasurer of state shall be custodian of the funds paid to the
7 ~~department~~ community college and shall disburse the same on
8 vouchers audited as provided by law. The unobligated balance
9 in such funds at the close of each biennium shall be placed in
10 the general fund of the state.

11 Sec. 36. Section 259A.5, Code 2011, is amended to read as
12 follows:

13 **259A.5 Rules.**

14 ~~The director of the department of education~~ Each board
15 of directors of the community college shall adopt tests,
16 definitions of terms, and forms as necessary for the
17 administration of this chapter. ~~The state board shall adopt~~
18 ~~rules under chapter 17A to carry out this chapter.~~

19 Sec. 37. NEW SECTION. **260C.1A Transfer of authority and**
20 **duties.**

21 1. Beginning July 1, 2013, the authority and duties of the
22 department of education, the state board of education, and the
23 director of the department of education under this chapter
24 shall, to the extent feasible, be transferred to the boards of
25 directors of the community colleges serving the merged areas of
26 the state. Accordingly, beginning July 1, 2013, all references
27 to the department of education, the state board of education,
28 and the director of the department of education under this
29 chapter and references to the department of education, the
30 state board of education, and the director of the department
31 of education under other provisions of law relating to this
32 chapter shall mean the applicable board of directors of a
33 community college.

34 2. Beginning July 1, 2013, transfer of the duties and
35 authority of the department shall also include all duties and



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 authority of the community colleges division created within the
2 department of education under section 260C.6.

3 3. Any moneys remaining in any account or fund under the
4 control of the department of education at the conclusion of the
5 fiscal year beginning July 1, 2012, relative to the provisions
6 of this chapter shall be transferred to the control of the
7 applicable board of directors of a community college for such
8 purposes. Notwithstanding section 8.33, the moneys transferred
9 in accordance with this subsection shall not revert to the
10 account or fund from which appropriated or transferred.

11 4. Any contract entered into by the department of education
12 relating to the provisions of this chapter in effect at the
13 conclusion of the fiscal year beginning July 1, 2012, shall
14 continue in full force and effect pending transfer of such
15 contracts to the boards of directors of the community colleges.

16 5. Any rule, regulation, form, order, or directive
17 promulgated by the department of education relative to the
18 provisions of this chapter in existence at the conclusion of
19 the fiscal year beginning July 1, 2012, shall continue in full
20 force and effect.

21 Sec. 38. Section 260E.7, subsection 1, Code Supplement
22 2011, is amended to read as follows:

23 1. The economic development authority, in consultation with
24 ~~the department of education, the department of revenue, and~~
25 the department of workforce development, shall coordinate and
26 review the new jobs training program. The economic development
27 authority shall adopt, amend, and repeal rules under chapter
28 17A that the community college will use in developing projects
29 with new and expanding industrial new jobs training proposals
30 and that the economic development authority shall use to review
31 and report on the new jobs training program as required in this
32 section.

33 Sec. 39. Section 260F.6B, Code Supplement 2011, is amended
34 to read as follows:

35 **260F.6B High technology apprenticeship program.**

LSB 5749XS (19) 84

-15-

md/sc

15/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 The community colleges and the economic development
2 authority are authorized to fund high technology apprenticeship
3 programs which comply with the requirements specified in
4 section 260C.44 and which may include both new and statewide
5 apprenticeship programs. Notwithstanding the provisions
6 of section 260F.6, subsection 2, relating to maximum award
7 amounts, moneys allocated to the community colleges with high
8 technology apprenticeship programs shall be distributed to the
9 community colleges based upon contact hours under the programs
10 administered during the prior fiscal year as determined by the
11 ~~department of education~~ economic development authority. The
12 economic development authority shall adopt rules governing this
13 section's operation and participant eligibility.

14 Sec. 40. Section 260F.7, Code Supplement 2011, is amended
15 to read as follows:

16 **260F.7 Economic development authority to coordinate.**

17 The economic development authority, in consultation with
18 ~~the department of education and the department of workforce~~
19 ~~development~~, shall coordinate the jobs training program. A
20 project shall not be funded under this chapter unless the
21 economic development authority approves the project. The
22 authority shall adopt rules pursuant to chapter 17A governing
23 the program's operation and eligibility for participation in
24 the program. The authority shall establish by rule criteria
25 for determining what constitutes an eligible business.

26 Sec. 41. Section 260H.2, Code Supplement 2011, is amended
27 to read as follows:

28 **260H.2 Pathways for academic career and employment program.**

29 A pathways for academic career and employment program is
30 established to provide funding to community colleges for the
31 development of projects in coordination with the economic
32 development authority, the department of ~~education, Iowa~~
33 workforce development, regional advisory boards established
34 pursuant to section 84A.4, and community partners to implement
35 a simplified, streamlined, and comprehensive process,

LSB 5749XS (19) 84
md/sc

16/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 along with customized support services, to enable eligible
2 participants to acquire effective academic and employment
3 training to secure gainful, quality, in-state employment.

4 Sec. 42. Section 260H.8, Code Supplement 2011, is amended
5 to read as follows:

6 **260H.8 Rules.**

7 The ~~department of education~~ economic development authority,
8 in consultation with the community colleges, ~~the economic~~
9 ~~development authority~~, and Iowa the department of workforce
10 development, shall adopt rules pursuant to chapter 17A and this
11 chapter to implement the provisions of this chapter. Regional
12 advisory boards established pursuant to section 84A.4 shall be
13 consulted in the development and implementation of rules to be
14 adopted pursuant to this chapter.

15 Sec. 43. Section 260I.3, subsection 1, Code Supplement
16 2011, is amended to read as follows:

17 1. The ~~department of education~~, ~~in consultation with the~~
18 ~~economic development authority~~, shall adopt rules pursuant to
19 this chapter defining eligibility criteria for persons applying
20 to receive tuition assistance under this chapter.

21 Sec. 44. Section 260I.10, Code Supplement 2011, is amended
22 to read as follows:

23 **260I.10 Oversight.**

24 1. The ~~department of education~~ economic development
25 authority, in coordination with the community colleges, shall
26 establish a steering committee. The steering committee shall
27 determine if the performance measures of the gap tuition
28 assistance program are being met and shall take necessary steps
29 to correct any deficiencies. The steering committee shall meet
30 at least quarterly to evaluate and monitor the performance of
31 the gap tuition assistance program.

32 2. The ~~department of education~~ economic development
33 authority, in coordination with the community colleges,
34 shall develop a common intake tracking system that shall be
35 implemented consistently by each participating community



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 college.

2 3. The ~~department of education~~ economic development
3 authority shall coordinate statewide oversight, evaluation, and
4 reporting efforts for the gap tuition assistance program.

5 Sec. 45. Section 260I.11, Code Supplement 2011, is amended
6 to read as follows:

7 **260I.11 Rules.**

8 The ~~department of education~~ economic development authority,
9 in consultation with the ~~economic development authority and the~~
10 community colleges, shall adopt rules pursuant to chapter 17A
11 and this chapter to implement the provisions of this chapter.

12 Sec. 46. Section 261.1, subsection 2, paragraph b, Code
13 2011, is amended by striking the paragraph.

14 Sec. 47. NEW SECTION. **261.8 Transfer of authority and**
15 **duties.**

16 1. Beginning July 1, 2013, the authority and duties of the
17 department of education, the state board of education, and the
18 director of the department of education under this chapter
19 shall be transferred to the college student aid commission.
20 Accordingly, beginning July 1, 2013, all references to the
21 department of education or the director of the department of
22 education under this chapter and references to the department
23 of education or the director of the department of education
24 under other provisions of law relating to this chapter shall
25 mean the college student aid commission.

26 2. Any moneys remaining in any account or fund under the
27 control of the department of education at the conclusion
28 of the fiscal year beginning July 1, 2012, relative to the
29 provisions of this chapter shall be transferred to the control
30 of the college student aid commission for such purposes.
31 Notwithstanding section 8.33, the moneys transferred in
32 accordance with this subsection shall not revert to the account
33 or fund from which appropriated or transferred.

34 3. Any contract entered into by the department of education
35 relating to the provisions of this chapter in effect at the

LSB 5749XS (19) 84

-18-

md/sc

18/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 conclusion of the fiscal year beginning July 1, 2012, shall
2 continue in full force and effect pending transfer of such
3 contracts to the college student aid commission.

4 4. Any rule, regulation, form, order, or directive
5 promulgated by the department of education relative to the
6 provisions of this chapter in existence at the conclusion of
7 the fiscal year beginning July 1, 2012, shall continue in full
8 force and effect until amended, repealed, or supplemented by
9 affirmative action of the college student aid commission under
10 the duties and powers established in this chapter and under the
11 procedure established in subsection 5.

12 5. In regard to updating references and format in the Iowa
13 administrative code in order to correspond to the transferring
14 of duties of this chapter, the administrative rules coordinator
15 and the administrative rules review committee, in consultation
16 with the administrative code editor, shall jointly develop a
17 schedule for the necessary updating of the Iowa administrative
18 code.

19 Sec. 48. Section 261B.3A, subsection 2, Code 2011, is
20 amended to read as follows:

21 2. A practitioner preparation program operated by a school
22 that applies to register the program in accordance with this
23 chapter shall, in order to register, be accredited by an agency
24 or organization approved or recognized by the United States
25 department of education or a successor agency, ~~be approved~~
26 ~~by the state board of education pursuant to section 256.7,~~
27 ~~subsection 3,~~ and, subsequently, be approved for operation by
28 the commission.

29 Sec. 49. NEW SECTION. 261E.1A Transfer of authority and
30 duties.

31 1. Beginning July 1, 2013, the authority and duties of
32 the department of education, the state board of education,
33 and the director of the department of education under this
34 chapter shall be transferred to the state board of regents.
35 Accordingly, beginning July 1, 2013, all references to the

LSB 5749XS (19) 84

-19-

md/sc

19/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 department of education, the state board of education, or the
2 director of the department of education under this chapter
3 and references to the department of education, state board of
4 education, or director of the department of education under
5 other provisions of law relating to this chapter shall mean the
6 state board of regents.

7 2. Any moneys remaining in any account or fund under the
8 control of the department of education at the conclusion of the
9 fiscal year beginning July 1, 2012, relative to the provisions
10 of this chapter shall be transferred to the control of the
11 state board of regents for such purposes. Notwithstanding
12 section 8.33, the moneys transferred in accordance with this
13 subsection shall not revert to the account or fund from which
14 appropriated or transferred.

15 3. Any contract entered into by the department of education
16 relating to the provisions of this chapter in effect at the
17 conclusion of the fiscal year beginning July 1, 2012, shall
18 continue in full force and effect pending transfer of such
19 contracts to the state board of regents.

20 4. Any rule, regulation, form, order, or directive
21 promulgated by the department of education relative to the
22 provisions of this chapter in existence at the conclusion of
23 the fiscal year beginning July 1, 2012, shall continue in full
24 force and effect until amended, repealed, or supplemented by
25 affirmative action of the state board of regents under the
26 duties and powers established in this chapter and under the
27 procedure established in subsection 5.

28 5. In regard to updating references and format in the Iowa
29 administrative code in order to correspond to the transferring
30 of duties of this chapter, the administrative rules coordinator
31 and the administrative rules review committee, in consultation
32 with the administrative code editor, shall jointly develop a
33 schedule for the necessary updating of the Iowa administrative
34 code.

35 Sec. 50. Section 262.9, subsection 27, Code Supplement



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 2011, is amended to read as follows:

2 27. ~~Explore, in conjunction with the department~~
3 ~~of education,~~ the need for coordination between school
4 districts, area education agencies, state board of regents
5 institutions, and community colleges for purposes of delivery
6 of courses, use of telecommunications, transportation, and
7 other similar issues. Coordination may include but is not
8 limited to coordination of calendars, programs, schedules, or
9 telecommunications emissions. The state board shall develop
10 recommendations as necessary, which shall be submitted in a
11 report to the general assembly on a timely basis.

12 Sec. 51. Section 262.9, subsection 33, unnumbered paragraph
13 1, Code Supplement 2011, is amended to read as follows:

14 ~~In consultation with the state board of education, establish~~
15 Establish and enter into a collective statewide articulation
16 agreement with the community colleges established pursuant to
17 chapter 260C, which shall provide for the seamless transfer
18 of academic credits from a completed associate of arts or
19 associate of science degree program offered by a community
20 college to a baccalaureate degree program offered by an
21 institution of higher education governed by the board. The
22 board shall also do the following:

23 Sec. 52. Section 262.9, subsection 33, paragraph i, Code
24 Supplement 2011, is amended to read as follows:

25 ~~i. Prepare, jointly with the department of education and~~
26 the liaison advisory committee on transfer students, and submit
27 by January 15 annually to the general assembly, an update on
28 the articulation efforts and activities implemented by the
29 community colleges and the institutions of higher education
30 governed by the board.

31 Sec. 53. Section 262.71, subsection 9, Code 2011, is amended
32 by striking the subsection.

33 Sec. 54. Section 266.39C, subsection 2, paragraph a,
34 subparagraph (5), Code Supplement 2011, is amended to read as
35 follows:

LSB 5749XS (19) 84

-21-

md/sc

21/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 (5) One representative of community colleges, appointed by
2 the ~~state board of education~~ governor.

3 Sec. 55. Section 266.39C, subsection 6, Code Supplement
4 2011, is amended to read as follows:

5 6. The Iowa energy center shall ~~cooperate with the state~~
6 ~~board of education in developing~~ develop a curriculum which
7 promotes energy efficiency and conservation.

8 Sec. 56. Section 272.1, subsection 4, Code 2011, is amended
9 by striking the subsection.

10 Sec. 57. NEW SECTION. **272.1A Transfer of authority and**
11 **duties.**

12 1. Beginning July 1, 2013, the authority and duties of the
13 department of education, the state board of education, and the
14 director of the department of education under this chapter
15 shall be transferred to the board of educational examiners.
16 Accordingly, beginning July 1, 2013, all references to the
17 department of education, the state board of education, or the
18 director of the department of education under this chapter
19 and references to the department of education, state board of
20 education, or director of the department of education under
21 other provisions of law relating to this chapter shall mean the
22 board of educational examiners.

23 2. Any moneys remaining in any account or fund under the
24 control of the department of education at the conclusion
25 of the fiscal year beginning July 1, 2012, relative to the
26 provisions of this chapter shall be transferred to the control
27 of the board of educational examiners for such purposes.
28 Notwithstanding section 8.33, the moneys transferred in
29 accordance with this subsection shall not revert to the account
30 or fund from which appropriated or transferred.

31 3. Any contract entered into by the department of education
32 relating to the provisions of this chapter in effect at the
33 conclusion of the fiscal year beginning July 1, 2012, shall
34 continue in full force and effect pending transfer of such
35 contracts to the board of educational examiners.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 Sec. 58. Section 272.3, Code 2011, is amended to read as
2 follows:

3 **272.3 Membership.**

4 1. The board of educational examiners consists of twelve
5 members. Two must be members of the general public, ~~one~~
6 ~~must be the director of the department of education or the~~
7 ~~director's designee,~~ and the remaining ~~nine~~ ten members must be
8 licensed practitioners. One of the public members shall have
9 served on a school board. The public members shall never have
10 held a practitioner's license, but shall have a demonstrated
11 interest in education. The ~~nine~~ ten practitioners shall be
12 selected from the following areas and specialties of the
13 teaching profession:

- 14 a. Elementary teachers.
- 15 b. Secondary teachers.
- 16 c. Special education or other similar teachers.
- 17 d. Counselors or other special purpose practitioners.
- 18 e. Administrators.
- 19 f. School service personnel.

20 2. A majority of the licensed practitioner members shall
21 be nonadministrative practitioners. Four of the members shall
22 be administrators. Membership of the board shall comply with
23 the requirements of sections 69.16 and 69.16A. A quorum of the
24 board shall consist of six members. Members shall elect a
25 chairperson of the board. Members, ~~except for the director of~~
26 ~~the department of education or the director's designee,~~ shall
27 be appointed by the governor subject to confirmation by the
28 senate.

29 Sec. 59. Section 272.4, subsection 1, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:

31 ~~Members, except for the director of the department of~~
32 ~~education or the director's designee,~~ shall be appointed to
33 serve staggered terms of four years. A member shall not serve
34 more than two consecutive terms, ~~except for the director of the~~
35 ~~department of education or the director's designee, who shall~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 ~~serve until the director's term of office expires.~~ A member of
2 the board, except for the two public members ~~and the director~~
3 ~~of the department of education or the director's designee,~~
4 shall hold a valid practitioner's license during the member's
5 term of office. A vacancy exists when any of the following
6 occur:

7 Sec. 60. Section 272.25, subsections 3, 4, and 8, Code 2011,
8 are amended to read as follows:

9 3. A requirement that the program include instruction
10 in skills and strategies to be used in classroom management
11 of individuals, and of small and large groups, under
12 varying conditions, and skills for communicating and working
13 constructively with pupils, teachers, administrators, and
14 parents; ~~and skills for understanding the role of the board of~~
15 ~~education and the functions of other education agencies in the~~
16 ~~state. The requirement shall be based upon recommendations of~~
17 ~~the department of education after consultation with teacher~~
18 ~~education faculty members in colleges and universities.~~

19 4. A requirement that prescribes minimum experiences and
20 responsibilities to be accomplished during the student teaching
21 experience by the student teacher and by the cooperating
22 teacher ~~based upon recommendations of the department of~~
23 ~~education after consultation with teacher education faculty~~
24 ~~members in colleges and universities.~~ The student teaching
25 experience shall include opportunities for the student
26 teacher to become knowledgeable about the Iowa teaching
27 standards, including a mock evaluation performed by the
28 cooperating teacher. The mock evaluation shall not be used as
29 an assessment tool by the practitioner preparation program.
30 The student teaching experience shall consist of interactive
31 experiences involving the college or university personnel, the
32 student teacher, the cooperating teacher, and administrative
33 personnel from the cooperating teacher's school district.

34 8. A requirement that an approved practitioner preparation
35 institution submit evidence that the college ~~or department of~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 ~~education~~ is communicating with other colleges or departments
2 in the institution so that practitioner preparation students
3 may integrate teaching methodology with subject matter areas
4 of specialization.

5 Sec. 61. NEW SECTION. 273.1A **Transfer of authority and**
6 **duties.**

7 1. Beginning July 1, 2013, the authority and duties of
8 the department of education, the state board of education,
9 and the director of the department of education under this
10 chapter shall, to the extent feasible, be transferred to the
11 area education agency boards of directors in this state.
12 Accordingly, beginning July 1, 2013, all references to the
13 department of education, the state board of education, and the
14 director of the department of education under this chapter and
15 references to the department of education, the state board of
16 education, and the director of the department of education
17 under other provisions of law relating to this chapter shall
18 mean the applicable area education agency board of directors.

19 2. Any rule, regulation, form, order, or directive
20 promulgated by the department of education relative to the
21 provisions of this chapter in existence at the conclusion of
22 the fiscal year beginning July 1, 2012, shall continue in full
23 force and effect.

24 Sec. 62. NEW SECTION. 274.1A **Transfer of authority and**
25 **duties.**

26 1. Beginning July 1, 2013, the authority and duties of the
27 department of education and the director of the department of
28 education under this chapter shall, to the extent feasible, be
29 transferred to the area education agency boards of directors
30 in this state. Accordingly, beginning July 1, 2013, all
31 references to the department of education and the director of
32 the department of education under this chapter and references
33 to the department of education and the director of the
34 department of education under other provisions of law relating
35 to this chapter shall mean the applicable area education agency



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 board of directors.

2 2. Any rule, regulation, form, order, or directive
3 promulgated by the department of education or the director
4 of the department of education relative to the provisions of
5 this chapter in existence at the conclusion of the fiscal
6 year beginning July 1, 2012, shall continue in full force and
7 effect.

8 Sec. 63. NEW SECTION. 275.1A **Transfer of authority and**
9 **duties.**

10 1. Beginning July 1, 2013, the authority and duties of
11 the department of education, the state board of education,
12 and the director of the department of education under this
13 chapter shall, to the extent feasible, be transferred to the
14 area education agency boards of directors in this state.
15 Accordingly, beginning July 1, 2013, all references to the
16 department of education, the state board of education, and the
17 director of the department of education under this chapter and
18 references to the department of education, the state board of
19 education, and the director of the department of education
20 under other provisions of law relating to this chapter shall
21 mean the applicable area education agency board of directors.

22 2. Any rule, regulation, form, order, or directive
23 promulgated by the department of education, the state board
24 of education, or the director of the department of education
25 relative to the provisions of this chapter in existence at the
26 conclusion of the fiscal year beginning July 1, 2012, shall
27 continue in full force and effect.

28 Sec. 64. Section 276.3, subsections 5 and 9, Code 2011, are
29 amended by striking the subsections.

30 Sec. 65. Section 279.51, subsection 1, unnumbered paragraph
31 1, Code Supplement 2011, is amended to read as follows:

32 There is appropriated from the general fund of the state
33 to the department of ~~education~~ management for the fiscal year
34 beginning July 1, 2007, and each succeeding fiscal year, the
35 sum of twelve million six hundred six thousand one hundred



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 ninety-six dollars. The moneys shall be allocated as follows:

2 Sec. 66. NEW SECTION. 279.68 Transfer of authority and
3 duties.

4 1. Beginning July 1, 2013, the authority and duties of
5 the department of education, the state board of education,
6 and the director of the department of education under this
7 chapter, to the extent feasible, shall be transferred to the
8 boards of directors for the respective school districts in the
9 state. Accordingly, beginning July 1, 2013, all references to
10 the department of education, the state board of education, and
11 the director of the department of education under this chapter
12 and references to the department of education, the state board
13 of education, and the director of the department of education
14 under other provisions of law relating to this chapter shall
15 mean the applicable board of directors of the school district.

16 2. Any rule, regulation, form, order, or directive
17 promulgated by the department of education, the state board
18 of education, or the director of the department of education
19 relative to the provisions of this chapter in existence at the
20 conclusion of the fiscal year beginning July 1, 2012, shall
21 continue in full force and effect.

22 Sec. 67. NEW SECTION. 280.1A Transfer of authority and
23 duties.

24 1. Beginning July 1, 2013, the authority and duties of
25 the department of education, the state board of education,
26 and the director of the department of education under this
27 chapter, to the extent feasible, shall be transferred to the
28 boards of directors for the respective school districts in the
29 state. Accordingly, beginning July 1, 2013, all references to
30 the department of education, the state board of education, and
31 the director of the department of education under this chapter
32 and references to the department of education, the state board
33 of education, and the director of the department of education
34 under other provisions of law relating to this chapter shall
35 mean the applicable board of directors of the school district.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 2. Any rule, regulation, form, order, or directive
2 promulgated by the department of education, the state board
3 of education, or the director of the department of education
4 relative to the provisions of this chapter in existence at the
5 conclusion of the fiscal year beginning July 1, 2012, shall
6 continue in full force and effect.

7 Sec. 68. NEW SECTION. **282.1A Transfer of authority and**
8 **duties.**

9 1. Beginning July 1, 2013, the authority and duties of
10 the department of education, the state board of education,
11 and the director of the department of education under this
12 chapter, to the extent feasible, shall be transferred to the
13 boards of directors for the respective school districts in the
14 state. Accordingly, beginning July 1, 2013, all references to
15 the department of education, the state board of education, and
16 the director of the department of education under this chapter
17 and references to the department of education, the state board
18 of education, and the director of the department of education
19 under other provisions of law relating to this chapter shall
20 mean the applicable board of directors of the school district.

21 2. Any rule, regulation, form, order, or directive
22 promulgated by the department of education, the state board
23 of education, or the director of the department of education
24 relative to the provisions of this chapter in existence at the
25 conclusion of the fiscal year beginning July 1, 2012, shall
26 continue in full force and effect.

27 Sec. 69. Section 282.18, subsections 5 and 13, Code 2011,
28 are amended to read as follows:

29 5. Open enrollment applications filed after March 1
30 of the preceding school year that do not qualify for good
31 cause as provided in subsection 4 shall be subject to the
32 approval of the board of the resident district and the board
33 of the receiving district. The parent or guardian shall send
34 notification to the district of residence and the receiving
35 district that the parent or guardian seeks to enroll the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 parent's or guardian's child in the receiving district. A
2 ~~decision of either board to deny an application filed under~~
3 ~~this subsection involving repeated acts of harassment of the~~
4 ~~student or serious health condition of the student that the~~
5 ~~resident district cannot adequately address is subject to~~
6 ~~appeal under section 290.1. The state board shall exercise~~
7 ~~broad discretion to achieve just and equitable results that are~~
8 ~~in the best interest of the affected child or children.~~

9 13. If a request under this section is for transfer to a
10 laboratory school, as described in chapter 265, the student,
11 who is the subject of the request, shall not be included in
12 the basic enrollment of the student's district of residence,
13 and the laboratory school shall report the enrollment of the
14 student directly to the department of education management,
15 unless the number of students from the district attending the
16 laboratory school during the current school year, as a result
17 of open enrollment under this section, exceeds the number of
18 students enrolled in the laboratory school from that district
19 during the 1989-1990 school year. If the number of students
20 enrolled in the laboratory school from a district during the
21 current year exceeds the number of students enrolled from that
22 district during the 1989-1990 school year, those students who
23 represent the difference between the current and the 1988-1989
24 school year enrollment figures shall be included in the basic
25 enrollment of the students' districts of residence and the
26 districts shall retain any moneys received as a result of the
27 inclusion of the student in the district enrollment. The total
28 number of students enrolled at a laboratory school during a
29 school year shall not exceed six hundred seventy students. The
30 regents institution operating the laboratory school and the
31 board of directors of the school district in the community
32 in which the regents institution is located shall develop
33 a student transfer policy designed to protect and promote
34 the quality and integrity of the teacher education program
35 at the laboratory school, the viability of the education



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 program of the local school district in which the regents
2 institution is located, and to indicate the order in which and
3 reasons why requests to transfer to a laboratory school shall
4 be considered. A laboratory school may deny a request for
5 transfer under the policy. ~~A denial of a request to transfer~~
6 ~~under this subsection is not subject to appeal under section~~
7 ~~290.1.~~

8 Sec. 70. Section 283.1, Code 2011, is amended to read as
9 follows:

10 **283.1 Federal funds accepted.**

11 The director of the department of education management
12 is the "*state educational authority*" for the purpose of
13 accepting and administering funds appropriated by Congress for
14 educational purposes and the funds shall be deposited with the
15 treasurer of state and disbursed through the department of
16 administrative services on vouchers audited as provided by law.
17 When state matching funds are required as a condition to the
18 acceptance of federal funds, the director of the department
19 of education management may make expenditures for matching
20 only from funds provided by the legislature for that purpose.
21 However, when federal funds may be matched with expenditures
22 from funds appropriated for the general operation of the
23 department of education management, this may be done with the
24 approval of the legislative council.

25 Sec. 71. NEW SECTION. **283A.1A Transfer of authority and**
26 **duties.**

27 1. Beginning July 1, 2013, the authority and duties of
28 the department of education, the state board of education,
29 and the director of the department of education under this
30 chapter, to the extent feasible, shall be transferred to the
31 boards of directors for the respective school districts in the
32 state. Accordingly, beginning July 1, 2013, all references to
33 the department of education, the state board of education, and
34 the director of the department of education under this chapter
35 and references to the department of education, the state board



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 of education, and the director of the department of education
2 under other provisions of law relating to this chapter shall
3 mean the applicable board of directors of the school district.

4 2. Any rule, regulation, form, order, or directive
5 promulgated by the department of education, the state board
6 of education, or the director of the department of education
7 relative to the provisions of this chapter in existence at the
8 conclusion of the fiscal year beginning July 1, 2012, shall
9 continue in full force and effect.

10 Sec. 72. Section 283A.3, Code 2011, is amended to read as
11 follows:

12 **283A.3 Expenditure of federal funds.**

13 The director of the department of ~~education~~ management shall
14 accept and direct the disbursement of funds appropriated by any
15 Act of Congress and appropriated to the state of Iowa for use
16 in connection with school breakfast or lunch programs. The
17 director shall deposit the funds with the treasurer of the
18 state of Iowa, who shall make disbursements upon the direction
19 of the director.

20 Sec. 73. NEW SECTION. **284.1A Transfer of authority and**
21 **duties.**

22 1. Beginning July 1, 2013, the authority and duties of
23 the department of education, the state board of education,
24 and the director of the department of education under this
25 chapter, to the extent feasible, shall be transferred to the
26 boards of directors for the respective school districts in the
27 state. Accordingly, beginning July 1, 2013, all references to
28 the department of education, the state board of education, and
29 the director of the department of education under this chapter
30 and references to the department of education, the state board
31 of education, and the director of the department of education
32 under other provisions of law relating to this chapter shall
33 mean the applicable board of directors of the school district.

34 2. Any rule, regulation, form, order, or directive
35 promulgated by the department of education, the state board



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 of education, or the director of the department of education
2 relative to the provisions of this chapter in existence at the
3 conclusion of the fiscal year beginning July 1, 2012, shall
4 continue in full force and effect.

5 Sec. 74. NEW SECTION. **284A.1A Transfer of authority and**
6 **duties.**

7 1. Beginning July 1, 2013, the authority and duties of
8 the department of education, the state board of education,
9 and the director of the department of education under this
10 chapter, to the extent feasible, shall be transferred to the
11 boards of directors for the respective school districts in the
12 state. Accordingly, beginning July 1, 2013, all references to
13 the department of education, the state board of education, and
14 the director of the department of education under this chapter
15 and references to the department of education, the state board
16 of education, and the director of the department of education
17 under other provisions of law relating to this chapter shall
18 mean the applicable board of directors of the school district.

19 2. Any rule, regulation, form, order, or directive
20 promulgated by the department of education, the state board
21 of education, or the director of the department of education
22 relative to the provisions of this chapter in existence at the
23 conclusion of the fiscal year beginning July 1, 2012, shall
24 continue in full force and effect.

25 Sec. 75. NEW SECTION. **285.7 Transfer of authority and**
26 **duties.**

27 1. Beginning July 1, 2013, the authority and duties of
28 the department of education, the state board of education,
29 and the director of the department of education under this
30 chapter, to the extent feasible, shall be transferred to the
31 boards of directors for the respective school districts in the
32 state. Accordingly, beginning July 1, 2013, all references to
33 the department of education, the state board of education, and
34 the director of the department of education under this chapter
35 and references to the department of education, the state board



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 of education, and the director of the department of education
2 under other provisions of law relating to this chapter shall
3 mean the applicable board of directors of the school district.

4 2. Any rule, regulation, form, order, or directive
5 promulgated by the department of education, the state board
6 of education, or the director of the department of education
7 relative to the provisions of this chapter in existence at the
8 conclusion of the fiscal year beginning July 1, 2012, shall
9 continue in full force and effect.

10 Sec. 76. Section 291.11, Code 2011, is amended to read as
11 follows:

12 **291.11 Officers reported.**

13 The secretary shall report to the director of the department
14 of education management, the county auditor, and county
15 treasurer the name and post office address of the president,
16 treasurer and secretary of the board as soon as practicable
17 after the qualification of each.

18 Sec. 77. NEW SECTION. **292.1A Transfer of authority and**
19 **duties.**

20 1. Beginning July 1, 2013, the authority and duties of the
21 department of education under this chapter shall be transferred
22 to the department of revenue. Accordingly, beginning July 1,
23 2013, all references to the department of education under this
24 chapter and references to the department of education under
25 other provisions of law relating to this chapter shall mean the
26 department of revenue.

27 2. Any moneys remaining in any account or fund under the
28 control of the department of education at the conclusion of the
29 fiscal year beginning July 1, 2012, relative to the provisions
30 of this chapter shall be transferred to the control of the
31 department of revenue for such purposes. Notwithstanding
32 section 8.33, the moneys transferred in accordance with this
33 subsection shall not revert to the account or fund from which
34 appropriated or transferred.

35 3. Any contract entered into by the department of education



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 relating to the provisions of this chapter in effect at the
2 conclusion of the fiscal year beginning July 1, 2012, shall
3 continue in full force and effect pending transfer of such
4 contracts to the department of revenue.

5 4. Any rule, regulation, form, order, or directive
6 promulgated by the department of education relative to the
7 provisions of this chapter in existence at the conclusion of
8 the fiscal year beginning July 1, 2012, shall continue in full
9 force and effect until amended, repealed, or supplemented by
10 affirmative action of the department of revenue under the
11 duties and powers established in this chapter and under the
12 procedure established in subsection 5.

13 5. In regard to updating references and format in the Iowa
14 administrative code in order to correspond to the transferring
15 of duties of this chapter, the administrative rules coordinator
16 and the administrative rules review committee, in consultation
17 with the administrative code editor, shall jointly develop a
18 schedule for the necessary updating of the Iowa administrative
19 code.

20 Sec. 78. Section 294.5, Code 2011, is amended to read as
21 follows:

22 **294.5 Reports.**

23 The teacher shall file with the school superintendent ~~and~~
24 ~~the director of the department of education~~ such reports and in
25 such manner as may be required.

26 Sec. 79. Section 296.3, Code 2011, is amended to read as
27 follows:

28 **296.3 Election called.**

29 Within ten days of receipt of a petition filed under section
30 296.2, the president of the board of directors shall call a
31 meeting of the board. The meeting shall be held within thirty
32 days after the petition was received. At the meeting, the
33 board shall call the election, fixing the time of the election,
34 which may be at the time and place of holding the regular
35 school election. However, if the board determines by unanimous

LSB 5749XS (19) 84

-34-

md/sc

34/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 vote that the proposition or propositions requested by a
2 petition to be submitted at an election are grossly unrealistic
3 or contrary to the needs of the school district, no election
4 shall be called. If more than one petition has been received
5 by the time the board meets to consider the petition triggering
6 the meeting, the board shall act upon the petitions in the
7 order they were received at the meeting called to consider the
8 initial petition. ~~The decision of the board may be appealed to~~
9 ~~the state board of education as provided in chapter 290.~~ The
10 president shall notify the county commissioner of elections of
11 the time of the election.

12 Sec. 80. NEW SECTION. **297.37 Transfer of authority and**
13 **duties.**

14 1. Beginning July 1, 2013, the authority and duties of the
15 department of education and the director of the department
16 of education under this chapter shall be transferred to the
17 department of administrative services and the director of the
18 department of administrative services. Accordingly, beginning
19 July 1, 2013, all references to the department of education
20 and the director of the department of education under this
21 chapter and references to the department of education and the
22 director of the department of education under other provisions
23 of law relating to this chapter shall mean the department of
24 administrative services or the director of the department of
25 administrative services.

26 2. Any rule, regulation, form, order, or directive
27 promulgated by the department of education or the director
28 of the department of education relative to the provisions of
29 this chapter in existence at the conclusion of the fiscal
30 year beginning July 1, 2012, shall continue in full force and
31 effect.

32 Sec. 81. Section 298A.8, Code 2011, is amended to read as
33 follows:

34 **298A.8 Student activity fund.**

35 The student activity fund is a special revenue fund. A



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 student activity fund must be established in any school
2 corporation receiving money from student-related activities
3 such as admissions, activity fees, student dues, student
4 fund-raising events, or other student-related cocurricular or
5 extracurricular activities. Moneys in this fund shall be used
6 to support only the cocurricular program ~~defined in department~~
7 ~~of education administrative rules.~~

8 Sec. 82. NEW SECTION. **299.25 Transfer of authority and**
9 **duties.**

10 1. Beginning July 1, 2013, the authority and duties of
11 the department of education, the state board of education,
12 and the director of the department of education under this
13 chapter, to the extent feasible, shall be transferred to the
14 boards of directors for the respective school districts in the
15 state. Accordingly, beginning July 1, 2013, all references to
16 the department of education, the state board of education, and
17 the director of the department of education under this chapter
18 and references to the department of education, the state board
19 of education, and the director of the department of education
20 under other provisions of law relating to this chapter shall
21 mean the applicable board of directors of the school district.

22 2. Any rule, regulation, form, order, or directive
23 promulgated by the department of education, the state board
24 of education, or the director of the department of education
25 relative to the provisions of this chapter in existence at the
26 conclusion of the fiscal year beginning July 1, 2012, shall
27 continue in full force and effect.

28 Sec. 83. NEW SECTION. **299A.1A Transfer of authority and**
29 **duties.**

30 1. Beginning July 1, 2013, the authority and duties of
31 the department of education, the state board of education,
32 and the director of the department of education under this
33 chapter, to the extent feasible, shall be transferred to the
34 boards of directors for the respective school districts in the
35 state. Accordingly, beginning July 1, 2013, all references to



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 the department of education, the state board of education, and
2 the director of the department of education under this chapter
3 and references to the department of education, the state board
4 of education, and the director of the department of education
5 under other provisions of law relating to this chapter shall
6 mean the applicable board of directors of the school district.

7 2. Any rule, regulation, form, order, or directive
8 promulgated by the department of education, the state board
9 of education, or the director of the department of education
10 relative to the provisions of this chapter in existence at the
11 conclusion of the fiscal year beginning July 1, 2012, shall
12 continue in full force and effect.

13 Sec. 84. NEW SECTION. 301.1A **Transfer of authority and**
14 **duties.**

15 1. Beginning July 1, 2013, the authority and duties of
16 the department of education, the state board of education,
17 and the director of the department of education under this
18 chapter, to the extent feasible, shall be transferred to the
19 boards of directors for the respective school districts in the
20 state. Accordingly, beginning July 1, 2013, all references to
21 the department of education, the state board of education, and
22 the director of the department of education under this chapter
23 and references to the department of education, the state board
24 of education, and the director of the department of education
25 under other provisions of law relating to this chapter shall
26 mean the applicable board of directors of the school district.

27 2. Any rule, regulation, form, order, or directive
28 promulgated by the department of education, the state board
29 of education, or the director of the department of education
30 relative to the provisions of this chapter in existence at the
31 conclusion of the fiscal year beginning July 1, 2012, shall
32 continue in full force and effect.

33 Sec. 85. **REPEAL.** Sections 260C.6, 276.4, and 291.10, Code
34 2011, are repealed.

35 Sec. 86. **REPEAL.** Chapters 256 and 290, Code and Code



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 Supplement 2011, are repealed.

2 Sec. 87. EFFECTIVE DATE. This division of this Act takes
3 effect July 1, 2013.

4 DIVISION II

5 CORRESPONDING AMENDMENT LEGISLATION

6 Sec. 88. CORRESPONDING AMENDMENTS LEGISLATION. Additional
7 legislation is required to fully implement division I of this
8 Act. The director of the department of education shall, in
9 compliance with section 2.16, prepare draft legislation for
10 submission to the legislative services agency, as necessary,
11 to implement the transition and elimination of authority and
12 duties under division I of this Act and to implement the
13 transition and elimination of authority and duties under other
14 provisions of law including but not limited to the duties and
15 authority of the department of education, the state board of
16 education, the director of the department of education, and any
17 division, commission, or subunit of such entities or offices
18 under chapters 7A, 7E, 8A, 8D, 8F, 11, 12, 15, 15H, 16, 19B,
19 22, 48A, 68B, 73, 80E, 84A, 85, 96, 99B, 125, 135, 139A, 141A,
20 142A, 154B, 154F, 161A, 190A, 216A, 218, 220A, 225B, 225C, 232,
21 234, 237, 237A, 237B, 239B, 241, 249A, 257, 307A, 321, 321J,
22 322, 350, 423E, 423F, 455A, 455E, 473, 514I, 714, and 904.

23 DIVISION III

24 EDUCATION FINANCE AND

25 EDUCATION SAVINGS GRANTS

26 Sec. 89. Section 8.6, Code Supplement 2011, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 18. *Education savings grant*
29 *applications.* Adopt rules relating to applications for an
30 education savings grant pursuant to section 257.3B, including
31 application processing timelines, and required information for
32 submission by a parent or guardian.

33 Sec. 90. Section 12D.3, subsection 1, paragraph a, Code
34 2011, is amended to read as follows:

35 a. Each participation agreement may require a participant

LSB 5749XS (19) 84

-38-

md/sc

38/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 to agree to invest a specific amount of money in the trust
2 for a specific period of time for the benefit of a specific
3 beneficiary. A participant shall not be required to make an
4 annual contribution on behalf of a beneficiary. The maximum
5 contribution that may be deducted for Iowa income tax purposes
6 shall not exceed two thousand dollars per beneficiary per year
7 adjusted annually to reflect increases in the consumer price
8 index. A contribution to an account that is the result of a
9 transfer from an account in the education savings grant fund
10 under section 257.3B shall not be considered a contribution
11 that may be deducted for Iowa income tax purposes. The
12 treasurer of state shall set an account balance limit to
13 maintain compliance with section 529 of the Internal Revenue
14 Code. A contribution shall not be permitted to the extent it
15 causes the aggregate balance of all accounts established for
16 the same beneficiary to exceed the applicable account balance
17 limit.

18 Sec. 91. Section 257.1, subsection 2, Code 2011, is amended
19 by striking the subsection.

20 Sec. 92. NEW SECTION. **257.1A Transfer of authority and**
21 **duties.**

22 1. Beginning July 1, 2013, the authority and duties of
23 the department of education, the state board of education,
24 and the director of the department of education under this
25 chapter shall be transferred to the department of management
26 and the director of the department of management. Accordingly,
27 beginning July 1, 2013, all references to the department of
28 education under this chapter and references to the department
29 of education under other provisions of law relating to this
30 chapter shall mean the department of management and all
31 references to the state board of education or the director
32 of the department of education under this chapter or other
33 provisions of law relating to this chapter shall mean the
34 director of the department of management.

35 2. Any moneys remaining in any account or fund under the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 control of the department of education at the conclusion of the
2 fiscal year beginning July 1, 2012, relative to the provisions
3 of this chapter shall be transferred to the control of the
4 department of management for such purposes. Notwithstanding
5 section 8.33, the moneys transferred in accordance with this
6 subsection shall not revert to the account or fund from which
7 appropriated or transferred.

8 3. Any contract entered into by the department of education
9 relating to the provisions of this chapter in effect at the
10 conclusion of the fiscal year beginning July 1, 2012, shall
11 continue in full force and effect pending transfer of such
12 contracts to the department of management.

13 4. Any rule, regulation, form, order, or directive
14 promulgated by the department of education relative to the
15 provisions of this chapter in existence at the conclusion of
16 the fiscal year beginning July 1, 2012, shall continue in full
17 force and effect until amended, repealed, or supplemented by
18 affirmative action of the department of management under the
19 duties and powers established in this chapter and under the
20 procedure established in subsection 5.

21 5. In regard to updating references and format in the Iowa
22 administrative code in order to correspond to the transferring
23 of duties of this chapter, the administrative rules coordinator
24 and the administrative rules review committee, in consultation
25 with the administrative code editor, shall jointly develop a
26 schedule for the necessary updating of the Iowa administrative
27 code.

28 Sec. 93. Section 257.2, subsections 3, 5, 6, and 10, Code
29 2011, are amended by striking the subsections.

30 Sec. 94. Section 257.2, subsection 9, paragraph a, Code
31 2011, is amended to read as follows:

32 a. ~~Foundation aid~~ Tuition collected by the school district
33 pursuant to section 257.3A.

34 Sec. 95. Section 257.3, subsection 1, paragraph b, Code
35 2011, is amended by striking the paragraph.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 Sec. 96. NEW SECTION. 257.3A Education savings grant —
2 tuition.

3 A school district may collect as tuition from each pupil
4 enrolled in the school district an amount not to exceed the
5 education savings grant received by the pupil for that school
6 year under section 257.3B.

7 Sec. 97. NEW SECTION. 257.3B Education savings grant
8 program.

9 1. Pupils residing in this state eligible to enroll in
10 grades kindergarten through twelve, and enrolled in a public
11 school, attending an accredited nonpublic school, or receiving
12 competent private instruction under chapter 299A shall be
13 eligible to receive an education savings grant in the manner
14 provided in this section for school years beginning on or after
15 July 1, 2013. Education savings grants shall be available
16 for disbursement to parents and guardians for the payment of
17 qualified education expenses as provided in this section.

18 2. a. (1) By January 31 preceding the school year for
19 which the education savings grant is requested, the parent
20 or guardian of the pupil requesting to receive an education
21 savings grant shall submit an application to the department of
22 management, on application forms developed by the department,
23 indicating that the parent or guardian intends to enroll the
24 pupil in either a public school or an accredited nonpublic
25 school, or provide competent private instruction for the pupil
26 under chapter 299A.

27 (2) In addition to such information deemed appropriate by
28 the department of management, the application shall require the
29 following information:

30 (a) Certification from the public school or the accredited
31 nonpublic school of the pupil's enrollment for the following
32 school year, or a statement indicating the parent or guardian's
33 intent to provide or arrange for competent private instruction
34 for the pupil for the following school year.

35 (b) Certification from the parent or guardian of the pupil

LSB 5749XS (19) 84

-41-

md/sc

41/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 that an account has been established in the pupil's name in the
2 Iowa education savings plan trust pursuant to chapter 12D.

3 *b.* By March 1 preceding the school year for which the
4 education savings grant is requested, the department of
5 management shall certify the number of pupils in each school
6 district designated for the following school year to receive an
7 education savings grant. The department of management shall
8 also notify the parent or guardian of such pupils who are
9 approved to receive an education savings grant.

10 *c.* Education savings grants shall only be approved for one
11 school year and applications must be submitted under paragraph
12 "a" for education savings grants in subsequent school years.

13 3. *a.* The department of management shall assign each pupil
14 an education savings grant of three thousand seven hundred
15 dollars.

16 *b.* The department of management shall on July 1 transfer
17 such amounts to the pupil's account in the Iowa education
18 savings grant fund established under subsection 4. Such amount
19 shall be available for disbursement to the pupil's parent or
20 guardian for the payment of qualified educational expenses
21 incurred by such persons for the pupil during that school year.

22 4. An Iowa education savings grant fund is created in
23 the state treasury under the control of the department of
24 management consisting of moneys appropriated to the department
25 for the purpose of providing education savings grants under
26 this section. For the fiscal year commencing July 1, 2013, and
27 each succeeding fiscal year, there is appropriated from the
28 general fund of the state to the department of management the
29 amount necessary to pay all education savings grants approved
30 for that fiscal year. The director of the department of
31 management has all powers necessary to carry out and effectuate
32 the purposes, objectives, and provisions of this section
33 pertaining to the fund, including the power to do all of the
34 following:

35 *a.* Make and enter into contracts necessary for the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 administration of the fund.
2 **b.** Procure insurance against any loss in connection with the
3 assets of the fund.
4 **c.** Make disbursements from a pupil's account within the
5 fund to the pupil's parents or guardians for the payment of
6 qualified educational expenses.
7 **d.** Make transfers to pupils' Iowa education savings plan
8 trust accounts established under chapter 12D.
9 **e.** Adopt rules pursuant to chapter 17A for the
10 administration of the fund and accounts within the fund.
11 5. **a.** For each pupil approved for an education savings
12 grant, the department shall establish an account for that
13 pupil in the education savings grant fund. The amount of the
14 pupil's education savings grant shall be deposited into the
15 pupil's account on July 1 and such amount shall be immediately
16 available for disbursement to parents and guardians upon filing
17 and approval of claims from the pupil's account for qualified
18 education expenses incurred by the parent or guardian for the
19 pupil during that fiscal year.
20 **b.** A parent or guardian of a pupil may on forms prescribed
21 by the department of management submit claims for disbursements
22 of moneys within the account. The department may by rule
23 designate the appropriate supporting documentation necessary
24 for the disbursement of moneys in an account including but not
25 limited to invoices of amounts due and receipts of amounts paid
26 for qualified education expenses.
27 **c.** The department of management shall upon conclusion of
28 the fiscal year and disbursement of all claims submitted by
29 a parent or guardian before conclusion of the fiscal year
30 transfer any remaining amounts in the pupil's account within
31 the education savings grant fund to the pupil's Iowa education
32 savings plan trust account pursuant to chapter 12D.
33 6. For purposes of this section, "*qualified educational*
34 *expense*" includes tuition at a public school collected under
35 section 257.3A, tuition and fees at an accredited nonpublic



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 school, textbooks, payment to a licensed or accredited tutor,
2 curriculum materials, tuition or fees for nonpublic online
3 education programs, education materials and services for pupils
4 with disabilities, standardized test fees, and other expenses
5 incurred by the parent or guardian that are directly related to
6 the education of the pupil at a public school or an accredited
7 nonpublic school or directly related to providing competent
8 private instruction for the pupil under chapter 299A.

9 7. A person who makes a false claim for the purpose of
10 obtaining an education savings grant provided for in this
11 section or who knowingly receives the grant without being
12 legally entitled to it is guilty of a fraudulent practice. The
13 false claim for an education savings grant shall be disallowed
14 and if amounts from the grant have been disbursed from the
15 applicable account in the education savings grant fund or
16 transferred to an Iowa education savings plan trust account
17 under chapter 12D, the department of management shall initiate
18 legal proceedings to recover such amounts.

19 Sec. 98. Section 257.4, subsection 1, paragraph a, Code
20 2011, is amended to read as follows:

21 a. A school district shall cause an additional property tax
22 to be levied each year. The rate of the additional property
23 tax levy in a school district shall be determined by the
24 department of management and shall be calculated to raise the
25 difference between the ~~combined district cost~~ school district's
26 total certified budget for the budget year and the sum of the
27 following:

28 (1) ~~The product of the regular program foundation base per~~
29 ~~pupil times the weighted enrollment in the district~~ The amount
30 raised by the foundation property tax for the budget year in
31 the school district.

32 (2) ~~The product of special education support services~~
33 ~~foundation base per pupil times the special education support~~
34 ~~services weighted enrollment in the district~~ The total amount
35 of tuition collected from pupils within the district for the

LSB 5749XS (19) 84

-44-

md/sc

44/54



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 budget year pursuant to section 257.3A.
2 (3) The total teacher salary supplement district cost.
3 (4) The total professional development supplement district
4 cost.
5 (5) The total early intervention supplement district cost.
6 (6) The total area education agency teacher salary
7 supplement district cost.
8 (7) The total area education agency professional
9 development supplement district cost.
10 Sec. 99. Section 257.4, subsection 1, paragraph b, Code
11 2011, is amended by striking the paragraph.
12 Sec. 100. Section 257.4, subsection 2, Code 2011, is amended
13 by striking the subsection.
14 Sec. 101. Section 257.6, subsection 1, paragraph a, Code
15 2011, is amended by adding the following new subparagraph:
16 NEW SUBPARAGRAPH. (8) Resident pupils receiving an
17 education savings grant pursuant to section 257.3B and not
18 included in the actual enrollment under another provision of
19 this paragraph.
20 Sec. 102. Section 257.6, subsections 3 and 5, Code 2011, are
21 amended by striking the subsections.
22 Sec. 103. Section 257.7, subsection 1, Code 2011, is amended
23 to read as follows:
24 1. *Budgets.* School districts are subject to chapter 24.
25 The authorized expenditures of a school district ~~during a base~~
26 ~~year shall not exceed the lesser of the budget for that year~~
27 ~~certified under section 24.17 plus any allowable amendments~~
28 ~~permitted in this section, or the authorized certified budget,~~
29 ~~which is the sum of the combined district cost for that year,~~
30 including the actual miscellaneous income received for that
31 year, and the actual unspent balance from the preceding year.
32 Sec. 104. Section 257.8, subsections 1, 3, 4, 5, 6, and 7,
33 Code Supplement 2011, are amended by striking the subsections.
34 Sec. 105. Section 257.9, subsections 1 through 5, Code 2011,
35 are amended by striking the subsections.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 Sec. 106. Section 257.10, subsections 1 through 8, Code
2 2011, are amended by striking the subsections.

3 Sec. 107. Section 257.16, subsections 1 and 4, Code 2011,
4 are amended to read as follows:

5 1. There is appropriated each year from the general fund
6 of the state an amount necessary to pay the foundation aid and
7 education savings grants under this chapter, and the preschool
8 foundation aid under chapter 256C, supplementary aid under
9 section 257.4, subsection 2, and adjusted additional property
10 tax levy aid under section 257.15, subsection 4.

11 4. Notwithstanding any provision to the contrary, if
12 the governor orders budget reductions in accordance with
13 section 8.31, the teacher salary supplement district cost,
14 the professional development supplement district cost, and
15 the early intervention supplement district cost as calculated
16 under section 257.10, subsections 9, 10, and 11, and the area
17 education agency teacher salary supplement district cost and
18 the area education agency professional development supplement
19 district cost as calculated under section 257.37A, subsections
20 1 and 2, shall be paid in full as calculated and the reductions
21 in the appropriations provided in accordance with this section
22 shall be reduced from the remaining moneys appropriated
23 pursuant to this section and shall be distributed on a per
24 pupil basis ~~calculated with the weighted enrollment determined~~
25 ~~in accordance with section 257.6, subsection 5.~~

26 Sec. 108. Section 257.30, Code 2011, is amended to read as
27 follows:

28 **257.30 School budget review committee.**

29 1. A school budget review committee is established in
30 the department of ~~education~~ management and consists of the
31 director of the department of ~~education~~ management in an ex
32 officio, nonvoting capacity, ~~the director of the department~~
33 ~~of management~~, and four members who are knowledgeable in the
34 areas of Iowa school finance or public finance issues appointed
35 by the governor to represent the public. At least one of the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 public members shall possess a master's or doctoral degree in
2 which areas of school finance, economics, or statistics are
3 an integral component, or shall have equivalent experience in
4 an executive administrative or senior research position in
5 the education or public administration field. The members
6 appointed by the governor shall serve staggered three-year
7 terms beginning and ending as provided in section 69.19 and are
8 subject to senate confirmation as provided in section 2.32.
9 The committee shall meet and hold hearings each year and shall
10 continue in session until it has reviewed budgets of school
11 districts, as provided in section 257.31. The committee may
12 call in school board members and employees as necessary for
13 the hearings. The committee's scheduled hearing agendas and
14 the minutes of such hearings shall be posted on the department
15 of education's internet site. Legislators shall be notified
16 of hearings concerning school districts in their legislative
17 districts.

18 2. The committee shall adopt its own rules of procedure
19 under chapter 17A. The director of the department of ~~education~~
20 management shall serve as chairperson, and ~~the~~ a public member
21 designated by the director of the department of management
22 shall serve as secretary. The committee members representing
23 the public are entitled to receive their necessary expenses
24 while engaged in their official duties. Members shall be paid
25 a per diem at the rate specified in section 7E.6. Per diem
26 and expense payments shall be made from appropriations to the
27 department of ~~education~~ management.

28 3. The department of ~~education~~ management shall employ a
29 staff member to assist the school budget review committee.

30 Sec. 109. Section 257.34, Code 2011, is amended to read as
31 follows:

32 **257.34 Cash reserve information.**

33 If a school district receives less state ~~school foundation~~
34 ~~aid under section 257.1~~ than is due under ~~that section~~ this
35 chapter for a base year and the school district uses funds



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 from its cash reserve during the base year to make up for
2 the amount of state aid not paid, the board of directors of
3 the school district shall include in its general fund budget
4 document information about the amount of the cash reserve used
5 to replace state ~~school foundation~~ aid not paid.

6 Sec. 110. Section 257.37A, subsection 1, paragraph c,
7 subparagraph (1), Code 2011, is amended to read as follows:

8 (1) The unadjusted area education agency teacher salary
9 supplement district cost is the area education agency teacher
10 salary supplement district cost per pupil for each area
11 education agency for a budget year multiplied by the special
12 education support services ~~weighted~~ enrollment for that area
13 education agency.

14 Sec. 111. Section 257.37A, subsection 2, paragraph c,
15 subparagraph (1), Code 2011, is amended to read as follows:

16 (1) The unadjusted area education agency professional
17 development supplement district cost is the area education
18 agency professional development supplement district cost
19 per pupil for each area education agency for a budget year
20 multiplied by the special education support services ~~weighted~~
21 enrollment for that area education agency.

22 Sec. 112. REPEAL. Sections 257.5, 257.11, 257.11A, 257.12,
23 257.13, 257.14, 257.15, 257.16A, 257.18, 257.19, 257.20,
24 257.21, 257.22, 257.23, 257.24, 257.25, 257.26, 257.27, 257.28,
25 257.29, 257.38, 257.39, 257.40, 257.41, 257.42, 257.43, 257.44,
26 257.45, 257.46, 257.47, 257.48, and 257.49, Code 2011, are
27 repealed.

28 Sec. 113. APPLICABILITY. This division of this Act applies
29 to school budget years and fiscal years beginning on or after
30 July 1, 2013.

31 Sec. 114. EFFECTIVE DATE. This division of this Act takes
32 effect July 1, 2013.

33 DIVISION IV

34 CORRESPONDING AMENDMENTS LEGISLATION

35 Sec. 115. CORRESPONDING AMENDMENTS LEGISLATION. Additional



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 legislation is required to fully implement division III of this
2 Act. The director of the department of education shall, in
3 compliance with section 2.16, prepare draft legislation for
4 submission to the legislative services agency, as necessary,
5 to implement the transition and elimination of authority and
6 duties of the department of education, the state board of
7 education, and director of the department of education under
8 division III of this Act, to implement the school finance
9 modifications under division III of this Act, to implement the
10 education savings grant program created in division III of
11 this Act, and to implement the transition and elimination of
12 authority and duties under other provisions of law including
13 but not limited to the duties and authority of the department
14 of education, the state board of education, the director of
15 the department of education, and any division, commission, or
16 subunit of such entities or offices under chapters 11, 24,
17 256B, 256C, 256D, 256F, 257, 260C, 261E, 273, 275, 279, 280,
18 282, 284, 284A, 285, 298, 299A, 301, 321, 331, 422, 423E, and
19 423F.

20

EXPLANATION

21 This bill relates to education and school district funding
22 by repealing the department of education, modifying the duties
23 and authority of certain state and local governmental entities,
24 establishing an education savings grant program, and modifying
25 the school district funding formula.

26 Division I of the bill repeals Code chapter 256, which
27 establishes the department of education, establishes the office
28 of the director of the department of education, establishes
29 the state board of education, specifies certain educational
30 standards, establishes various education programs, establishes
31 certain councils and entities within the department of
32 education, includes provisions relating to the participation in
33 extracurricular activities, establishes the division of library
34 services, includes the library compact, and establishes the
35 public broadcasting division.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 Division I of the bill also amends and repeals other chapters
2 of the Code relating to education to transition the duties and
3 authority of the department of education, the director of the
4 department of education, and the state board of education to
5 other specified local and state governmental entities beginning
6 July 1, 2013.

7 Division I of the bill takes effect July 1, 2013.

8 Division II of the bill provides that additional legislation
9 is required to fully implement division I of the bill and
10 requires the director of the department of education to prepare
11 draft legislation in compliance with Code section 2.16 for
12 submission to the legislative services agency, as necessary,
13 to implement the transition and elimination of authority and
14 duties under division I of the bill and to implement the
15 transition and elimination of authority and duties under other
16 provisions of law including but not limited to the duties and
17 authority of the department of education, the state board of
18 education, the director of the department of education, and any
19 division, commission, or subunit of such entities or offices
20 under Code chapters 7A, 7E, 8A, 8D, 8F, 11, 12, 15, 15H, 16,
21 19B, 22, 48A, 68B, 73, 80E, 84A, 85, 96, 99B, 125, 135, 139A,
22 141A, 142A, 154B, 154F, 161A, 190A, 216A, 218, 220A, 225B,
23 225C, 232, 234, 237, 237A, 237B, 239B, 241, 249A, 257, 307A,
24 321, 321J, 322, 350, 423E, 423F, 455A, 455E, 473, 514I, 714,
25 and 904.

26 Division III of the bill modifies the funding methodology
27 for school districts and establishes an education savings grant
28 program for all public school and nonpublic school students.

29 Division III of the bill provides that beginning July
30 1, 2013, the authority and duties of the department of
31 education, the state board of education, and the director
32 of the department of education under Code chapter 257 are
33 transferred to the department of management and the director
34 of the department of management. The bill also provides that
35 moneys remaining in any account or fund under the control of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 the department of education at the conclusion of the fiscal
2 year beginning July 1, 2012, relative to the provisions of Code
3 chapter 257 are transferred to the control of the department
4 of management for such purposes. The bill provides that
5 any contract entered into by the department of education
6 relating to the provisions of Code chapter 257 in effect at
7 the conclusion of the fiscal year beginning July 1, 2012,
8 shall continue in full force and effect pending transfer of
9 such contracts to the department of management. The bill also
10 provides for the continuation of any rule, regulation, form,
11 order, or directive promulgated by the department of education
12 until amended, repealed, or supplemented by affirmative action
13 of the department of management.

14 Division III of the bill provides education savings grants
15 for certain pupils enrolled in a public school, attending an
16 accredited nonpublic school, or receiving competent private
17 instruction and establishes an education savings grant fund.

18 Under division III of the bill, pupils residing in the
19 state, eligible to enroll in grades kindergarten through 12,
20 and enrolled in a public school, attending an accredited
21 nonpublic school, or receiving competent private instruction
22 under Code chapter 299A are eligible to receive an education
23 savings grant for school years beginning on or after July 1,
24 2013. By January 31 preceding the school year for which the
25 education savings grant is requested, the parent or guardian of
26 the pupil requesting to receive an education savings grant must
27 submit an application to the department of education indicating
28 that the parent or guardian intends to enroll the pupil in
29 either a public school or an accredited nonpublic school, or
30 provide competent private instruction for the pupil. As part
31 of the application, the parent or guardian must also certify
32 that an account for the pupil has been established in the Iowa
33 education savings plan trust pursuant to Code chapter 12D
34 (college savings Iowa 529 plan).

35 Division III of the bill requires that by March 1 preceding



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 the school year for which the education savings grant is
2 requested, the department of management must certify the number
3 of pupils in each school district designated for the following
4 school year to receive an education savings grant. Education
5 savings grants may only be approved for one school year and
6 applications must be submitted for education savings grants in
7 subsequent school years.

8 The amount of each education savings grant is \$3,700 per
9 pupil.

10 Division III of the bill creates an Iowa educational savings
11 grant fund in the state treasury under the control of the
12 department of management consisting of moneys appropriated to
13 the department for the purpose of providing education savings
14 grants. For the fiscal year commencing July 1, 2013, and each
15 succeeding fiscal year, there is appropriated from the general
16 fund of the state to the department of management the amount
17 necessary to pay all education savings grants approved for that
18 fiscal year. For each pupil approved for an education savings
19 grant, the department of management must establish an account
20 for that pupil in the educational savings grant fund. The
21 amount of the pupil's education savings grant is deposited into
22 the pupil's account on July 1 and such amount is available for
23 disbursement to parents and guardians upon filing and approval
24 of claims from the pupil's account for qualified education
25 expenses, as defined in the bill, incurred by the parent or
26 guardian for the pupil during that fiscal year.

27 Division III of the bill requires the department of
28 management to, upon conclusion of the fiscal year and
29 disbursement of all claims submitted by a parent or guardian
30 before conclusion of the fiscal year, transfer any remaining
31 amounts in the pupil's education savings grant account to the
32 pupil's Iowa education savings plan trust account. However,
33 such contributions to a pupil's Iowa education savings plan
34 trust account are not considered contributions that may be
35 deducted for Iowa income tax purposes under Code section 12D.3.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 Division III of the bill provides that a person who makes a
2 false claim for the purpose of obtaining an education savings
3 grant or who knowingly receives the grant without being legally
4 entitled to it is guilty of a fraudulent practice and is
5 subject to a criminal penalty. The bill allows the department
6 of management to initiate legal proceedings to recover grants
7 improperly awarded under the bill.

8 Pupils receiving an education savings grant under division
9 III of the bill are counted in the actual enrollment for the
10 pupil's school district of residence, however, the amount of
11 the grant for each such student is subtracted from the amount
12 of state aid otherwise paid to the school district for that
13 budget year.

14 Division III of the bill provides that in lieu of state
15 aid funding through the school aid formula, a school district
16 may collect as tuition from each pupil enrolled in the school
17 district an amount not to exceed the education savings grant
18 received by the pupil for that school year under new Code
19 section 257.3B. Accordingly, a school district's additional
20 levy is determined by the department of management to raise
21 the difference between the school district's total certified
22 budget for the budget year and the sum of the amount raised by
23 the \$5.40 foundation property tax levy in the school district,
24 the total amount of tuition collected from pupils within
25 the district for the budget year, the total teacher salary
26 supplement district cost, the total professional development
27 supplement district cost, the total early intervention
28 supplement district cost, the total area education agency
29 teacher salary supplement district cost, the total area
30 education agency professional development supplement district
31 cost.

32 Division III of the bill modifies provisions relating to
33 the budgeting and expenditure limitations of school districts
34 and repeals sections of Code chapter 257 that establish
35 supplementary weighting programs, weighted enrollments for



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2241

1 certain school funding programs, certain budget and state aid
2 adjustments, the property tax equity and relief fund, the
3 instructional support program, the educational improvement
4 program, and the gifted and talented program.

5 Division III of the bill takes effect July 1, 2013, and
6 applies to school budget years and fiscal years beginning on
7 or after July 1, 2013.

8 Division IV of the bill provides that additional legislation
9 is required to fully implement division III of the bill and
10 requires the director of the department of education to prepare
11 draft legislation in compliance with Code section 2.16 for
12 submission to the legislative services agency, as necessary,
13 to implement the transition and elimination of authority
14 and duties of the department of education, the state board
15 of education, and director of the department of education,
16 to implement the school finance modifications, to implement
17 the education savings grant program, and to implement the
18 transition and elimination of authority and duties under other
19 provisions of law including but not limited to the duties and
20 authority of the department of education, the state board of
21 education, the director of the department of education, and any
22 division, commission, or subunit of such entities or offices
23 under Code chapters 11, 24, 256B, 256C, 256D, 256F, 257, 260C,
24 261E, 273, 275, 279, 280, 282, 284, 285, 298, 299A, 301, 321,
25 331, 422, 423E, and 423F.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2242 - Introduced

SENATE FILE 2242
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2101)

A BILL FOR

1 An Act relating to children in out-of-home placements in
2 accordance with a court order.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5783SV (2) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2242

1 Section 1. Section 232.108, Code Supplement 2011, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 8. The department shall report annually
4 by December 15 to the governor and general assembly regarding
5 the status of the efforts made by the department and others
6 involved with the child welfare system in the previous
7 fiscal year to comply with the requirements of this section
8 regarding sibling placements and visitation, or other ongoing
9 interaction.

10 Sec. 2. Section 232.117, subsection 6, Code 2011, is amended
11 to read as follows:

12 6. a. If the court orders the termination of parental
13 rights and transfers guardianship and custody under subsection
14 3, the court shall specify the nature and category of
15 disposition which will serve the best interests of the child,
16 and shall prescribe the means by which the placement shall
17 be monitored by the court, which may be in addition to the
18 reporting requirements under paragraph "b". If the court orders
19 the transfer of custody to the department of human services
20 or other agency, facility, or institution for placement, the
21 department or other agency shall make every reasonable effort
22 to place the child in the least restrictive, most family-like,
23 and most appropriate setting available, and shall consider
24 the placement's proximity to the school in which the child
25 is enrolled at the time of placement. If the termination
26 order applies to a sibling of the child or the child has a
27 sibling, the department or other agency shall comply with the
28 requirements of section 232.108, regarding sibling placement
29 and visitation or ongoing interaction while a permanent
30 placement is being established.

31 b. The guardian shall submit a case permanency plan to
32 the court and shall make every effort to establish a stable
33 placement for the child by adoption or other permanent
34 placement. Within forty-five days of receipt of the
35 termination order, and every forty-five days thereafter until

LSB 5783SV (2) 84

-1-

jp/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2242

1 the court determines such reports are no longer necessary, the
2 guardian shall report to the court regarding efforts made to
3 place the child for adoption or providing the rationale as to
4 why adoption would not be in the child's best interest.

5 EXPLANATION

6 This bill relates to children in out-of-home placements in
7 accordance with a court order.

8 Code section 232.108, relating to court-ordered out-of-home
9 placements of a child and requiring efforts to place siblings
10 together or provide for visitation or other ongoing interaction
11 with siblings during an out-of-home placement, is amended. The
12 amendment requires the department of human services to report
13 annually by December 15 to the governor and general assembly
14 regarding the status of the efforts made by the department
15 and others involved with the child welfare system in the
16 previous fiscal year to comply with the requirements of the
17 Code section.

18 Code section 232.117, relating to the disposition of a
19 child when termination of parental rights has been ordered,
20 is amended. The amendment includes requirements similar to
21 those applicable when an out-of-home placement is ordered in
22 a child in need of assistance proceeding under Code chapter
23 232. The court is required to specify the nature and category
24 of disposition which will serve the best interests of the
25 child, and to prescribe the means by which the placement will
26 be monitored by the court, which may be in addition to the
27 reporting requirements in current law. If the court orders
28 the transfer of custody to the department of human services
29 or other agency, facility, or institution for placement, the
30 department or other agency is required to make every reasonable
31 effort to place the child in the least restrictive, most
32 family-like, and most appropriate setting available, and to
33 consider the placement's proximity to the school in which the
34 child is enrolled at the time of placement. In addition,
35 if the termination order applies to a sibling of the child

LSB 5783SV (2) 84

-2-

jp/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2242

1 or the child has a sibling, the department or other agency
2 is required to comply with the requirements of Code section
3 232.108, regarding sibling placement and visitation or ongoing
4 interaction while a permanent placement is being established.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2243 - Introduced

SENATE FILE 2243
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3079)

A BILL FOR

1 An Act creating a licensed social worker loan repayment program
2 and a revolving fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5690SV (1) 84
jr/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2243

1 Section 1. NEW SECTION. 261.113 Licensed social worker loan
2 repayment program.

3 1. A licensed social worker loan repayment program is
4 established, to be administered by the college student aid
5 commission for the purpose of increasing the number of social
6 workers serving in critical human service areas. For purposes
7 of this section, "*critical human service area*" includes but
8 is not limited to an area of the state with a shortage of
9 social workers providing health, mental health, substance
10 abuse, aging, HIV/AIDS, victim, or child welfare services,
11 or communities with multilingual needs. These areas shall
12 be designated by the college student aid commission, in
13 consultation with a committee comprised of one representative
14 each from the commission, the department of public health, and
15 the department of human services.

16 2. The contract for the loan repayment shall stipulate the
17 time period the licensed social worker shall practice in a
18 critical human service area. In addition, the contract shall
19 stipulate that the licensed social worker repay any funds paid
20 on the person's loan by the commission if the person fails to
21 practice in a critical human service area for the required
22 period of time.

23 Sec. 2. NEW SECTION. 261.114 Licensed social worker loan
24 repayment revolving fund.

25 1. A licensed social worker loan repayment revolving fund
26 is created in the state treasury as a separate fund under
27 the control of the commission. The commission shall deposit
28 payments made by program participants under section 261.113,
29 subsection 2, moneys appropriated for purposes of the licensed
30 social worker loan repayment program, and any other available
31 funds into the loan repayment revolving fund. Moneys in the
32 fund shall be used for purposes of the licensed social worker
33 loan repayment program. Notwithstanding section 8.33, moneys
34 deposited in the fund shall not revert to any fund of the state
35 at the end of any fiscal year but shall remain in the fund and

LSB 5690SV (1) 84

-1-

jr/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2243

1 be continuously available for the program.

2 2. Notwithstanding section 12C.7, subsection 2, interest
3 or earnings on moneys deposited in the fund shall be credited
4 to the fund.

5 3. a. The annual amount of loan repayment is six thousand
6 five hundred dollars for individuals who have provided
7 full-time social work services in a critical human service
8 area in the year prior to such application, provided that
9 no recipient shall receive loan repayment that exceeds the
10 total remaining balance of the student loan debt and that
11 no recipient shall receive cumulative awards in excess of
12 twenty-five thousand dollars.

13 b. Awards shall be within the amounts appropriated for such
14 purpose and based on availability of funds.

15 4. Loan repayment awards shall be made annually to
16 applicants in the following order of priority:

17 a. First priority is given to applicants who have received
18 payment of an award pursuant to this section in a prior year
19 and who have provided social work services in a critical human
20 service area in the year prior to such application.

21 b. Second priority is given to applicants who have not
22 received payment of an award pursuant to this section in
23 a prior year and who have provided social work services
24 in a critical human service area in the year prior to such
25 application.

26 c. Third priority is given to applicants who are
27 economically disadvantaged, as defined by the commission.

28 5. The commission shall adopt rules pursuant to chapter 17A
29 to administer this section.

30 EXPLANATION

31 This bill creates a licensed social worker loan repayment
32 program administered by the college student aid commission.
33 Applicants for the program must enter into an agreement with
34 the commission, agreeing to work for a specific period of time
35 in a "critical human service area", defined as a geographic

LSB 5690SV (1) 84

-2-

jr/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2243

1 area in Iowa with a shortage of social workers in health,
2 mental health, substance abuse, aging, HIV/AIDS, victim, or
3 child welfare concerns, or communities with multilingual needs.

4 The program provides a specific annual benefit, up to
5 \$6,500, for licensed social workers who have worked in a
6 critical human service area in the previous year. No recipient
7 shall receive loan repayment that exceeds the total remaining
8 balance of the student loan debt and no recipient shall receive
9 cumulative awards in excess of \$25,000.

10 The program is funded by a special revolving fund in
11 the state treasury, controlled by the college student aid
12 commission. The fund consists of moneys appropriated for
13 purposes of the program, repayments by participants who fail
14 to meet the service area requirements, and any other available
15 moneys. Moneys deposited in the fund do not revert to the
16 state at the end of any fiscal year but shall remain in the fund
17 and be continuously available for the program. Interest or
18 earnings on moneys deposited in the fund shall also be credited
19 to the fund.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2244 - Introduced

SENATE FILE 2244
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 3157)

A BILL FOR

1 An Act requiring that a veteran be seriously injured or very
2 seriously injured in order to be eligible to receive a grant
3 under the injured veterans grant program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6058SV (1) 84
aw/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2244

1 Section 1. Section 35A.14, subsection 4, Code Supplement
2 2011, is amended to read as follows:

3 4. Moneys appropriated to or received by the department for
4 providing injured veterans grants under this section may be
5 expended for grants of up to ten thousand dollars to a veteran
6 who is seriously injured ~~veteran~~ or very seriously injured, as
7 defined in the most recently published United States department
8 of defense joint publication 1-02, to provide financial
9 assistance to the veteran so that family members of the veteran
10 may be with the veteran during the veteran's recovery from an
11 injury received in the line of duty in a combat zone or in a
12 zone where the veteran was receiving hazardous duty pay after
13 September 11, 2001.

14 EXPLANATION

15 This bill requires that a veteran be seriously injured
16 or very seriously injured in order to be eligible to receive
17 a grant under the injured veterans grant program. The bill
18 provides that the terms "seriously injured" and "very seriously
19 injured" shall be as defined in the most recently published
20 United States department of defense joint publication 1-02.

21 The United States department of defense joint publication
22 1-02, as published on January 15, 2012, defines "seriously
23 injured" as the casualty status of a person whose injury is
24 classified by medical authority to be of such severity that
25 there is cause for immediate concern, but there is not imminent
26 danger to life. The joint publication defines "very seriously
27 injured" as the casualty status of a person whose injury is
28 classified by medical authority to be of such severity that
29 life is imminently endangered.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2245 - Introduced

SENATE FILE 2245
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 3150)

A BILL FOR

1 An Act requiring a study and report on the establishment of a
2 dual diagnosis treatment program for posttraumatic stress at
3 the Iowa veterans home.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5947SV (1) 84
aw/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2245

1 Section 1. IOWA VETERANS HOME — POSTTRAUMATIC STRESS DUAL
2 DIAGNOSIS TREATMENT PROGRAM STUDY.

3 1. The Iowa veterans home shall initiate and coordinate
4 the establishment of a posttraumatic stress dual diagnosis
5 treatment program study committee, and provide staffing
6 assistance to the committee. The committee shall study
7 possible funding sources, program structure, program
8 requirements, and the needs for such a treatment program for
9 veterans in this state. The committee shall focus on the
10 establishment of a dual diagnosis program for individuals
11 seeking treatment for service-connected posttraumatic stress
12 and substance abuse.

13 a. The committee shall include the following voting
14 members:

15 (1) The commandant of the Iowa veterans home, or the
16 commandant's designee.

17 (2) The executive director of the department of veterans
18 affairs, or the executive director's designee.

19 (3) The director of public health, or the director's
20 designee.

21 (4) A commissioner of the commission of veterans affairs
22 designated by the commission.

23 (5) A member of the public, designated by the commandant
24 of the Iowa veterans home, who has experience in providing
25 treatment to individuals with service-connected posttraumatic
26 stress.

27 b. The committee shall include the following ex officio,
28 nonvoting members:

29 (1) Two state senators, one appointed by the majority leader
30 of the senate and one appointed by the minority leader of the
31 senate.

32 (2) Two state representatives, one appointed by the speaker
33 of the house of representatives and one appointed by the
34 minority leader of the house of representatives.

35 2. The committee shall meet at least once during the 2012

LSB 5947SV (1) 84

-1-

aw/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2245

1 legislative interim, but may conduct as many as three meetings
2 during the legislative interim, as deemed necessary by the
3 commandant of the Iowa veterans home.

4 3. The committee shall prepare a report for delivery to the
5 general assembly and the governor no later than January 15,
6 2013, regarding the establishment of a posttraumatic stress
7 dual diagnosis treatment program at the Iowa veterans home. In
8 the report the committee shall advise or make recommendations
9 to the governor and the general assembly relative to the
10 creation of such a program at the Iowa veterans home.

11 EXPLANATION

12 This bill requires that the Iowa veterans home initiate
13 and coordinate the establishment of a posttraumatic stress
14 dual diagnosis treatment program study committee and provide
15 staffing assistance to the committee. The committee shall
16 study funding sources, program structure, program requirements,
17 and the needs for such a program for veterans in this state.
18 The committee shall focus upon the establishment of a dual
19 diagnosis program for individuals seeking treatment for
20 service-connected posttraumatic stress and substance abuse.

21 The committee shall consist of five voting members including
22 the commandant of the Iowa veterans home, or the commandant's
23 designee; the executive director of the department of veterans
24 affairs, or the executive director's designee; the director
25 of public health, or the director's designee; a commissioner
26 of the commission of veterans affairs designated by the
27 commission; and a member of the public, designated by the
28 commandant of the Iowa veterans home, who has experience in
29 providing treatment to individuals with service-connected
30 posttraumatic stress. The committee shall also include four
31 ex officio, nonvoting members including two state senators,
32 one appointed by the majority leader of the senate and one
33 appointed by the minority leader of the senate, and two state
34 representatives, one appointed by the speaker of the house of
35 representatives and one appointed by the minority leader of the

LSB 5947SV (1) 84

-2-

aw/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2245

1 house of representatives.

2 The bill requires that the committee meet at least once
3 during the 2012 legislative interim and provides that the
4 committee may meet as many as three times during the interim as
5 deemed necessary by the commandant of the Iowa veterans home.

6 The bill requires that the committee prepare a report for
7 delivery to the general assembly and the governor regarding the
8 establishment of such a program. The bill requires that the
9 committee deliver the report to the general assembly and the
10 governor by January 15, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2246 - Introduced

SENATE FILE 2246
BY SENG

A BILL FOR

1 An Act requiring that absentee ballot return envelopes be
2 marked with county commissioner of elections receipt and
3 postmark requirements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5764SS (2) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2246

1 Section 1. Section 53.17, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. a. In order for the ballot to be counted, the return
4 envelope must be received in the commissioner's office before
5 the polls close on election day or be clearly postmarked by an
6 officially authorized postal service not later than the day
7 before the election and received by the commissioner not later
8 than noon on the Monday following the election.
9 b. Return envelopes shall be conspicuously marked to provide
10 voters with notice of the requirements of this subsection.
11 This notice shall include information related to mailing and
12 postmark requirements to provide voters with notice of federal
13 requirements regarding the proper postmarking of such return
14 envelopes. The state commissioner of elections shall adopt
15 rules to implement this paragraph.

16 EXPLANATION

17 This bill requires that all absentee ballot return envelopes
18 be marked conspicuously to give notice to voters that in
19 order for the absentee ballot to be counted the ballot must
20 be received before the polls close on election day or be
21 postmarked by the day before the election and received by the
22 county commissioner of elections not later than noon on the
23 Monday following the election. The bill requires that such
24 notice include information to provide voters with notice of
25 federal requirements regarding the proper postmarking of such
26 return envelopes. The state commissioner of elections shall
27 adopt rules to implement this requirement.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2247 - Introduced

SENATE FILE 2247
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3136)

(COMPANION TO HF 2344 BY
COMMITTEE ON HUMAN RESOURCES)

A BILL FOR

1 An Act relating to terminology changes in Iowa Code references
2 to mental retardation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5146SV (2) 84
ad/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Section 1. Section 4.1, Code 2011, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 09A. "*Intellectual disability*" means
4 a disability of children and adults who as a result of
5 inadequately developed intelligence have a significant
6 impairment in ability to learn or to adapt to the demands
7 of society, and, if a diagnosis is required, "*intellectual*
8 *disability*" means a diagnosis of mental retardation as defined
9 in the diagnostic and statistical manual of mental disorders,
10 fourth edition, text revised, published by the American
11 psychiatric association.

12 Sec. 2. Section 4.1, subsection 21A, Code 2011, is amended
13 to read as follows:

14 21A. *Persons with mental illness.* The words "*persons*
15 *with mental illness*" include persons with psychosis, persons
16 who are severely depressed, and persons with any type of
17 mental disease or mental disorder, except that mental illness
18 does not refer to ~~mental retardation as defined in section~~
19 ~~222.2~~ *intellectual disability*, or to insanity, diminished
20 responsibility, or mental incompetency as defined and used in
21 the Iowa criminal code or in the rules of criminal procedure,
22 Iowa court rules. A person who is hospitalized or detained for
23 treatment of mental illness shall not be deemed or presumed to
24 be incompetent in the absence of a finding of incompetence made
25 pursuant to section 229.27.

26 Sec. 3. Section 8A.311, subsection 16, Code Supplement
27 2011, is amended to read as follows:

28 16. A state agency shall make every effort to purchase
29 those products produced for sale by sheltered workshops, work
30 activity centers, and other special programs funded in whole
31 or in part by public moneys that employ persons with ~~mental~~
32 ~~retardation~~ *an intellectual disability* or other developmental
33 disabilities or mental illness if the products meet the
34 required specifications.

35 Sec. 4. Section 23A.2, subsection 10, paragraph 1,

LSB 5146SV (2) 84
ad/rj

1/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 subparagraph (4), Code 2011, is amended to read as follows:

2 (4) Nothing in this paragraph shall be construed to
3 prohibit a state resource center from providing a service a
4 resident needs for compliance with accreditation standards
5 for intermediate care facilities for persons with ~~mental~~
6 ~~retardation~~ an intellectual disability.

7 Sec. 5. Section 48A.2, subsection 3, Code 2011, is amended
8 to read as follows:

9 3. "*Person who is incompetent to vote*" means a person
10 ~~described in section 222.2, subsection 5, with an intellectual~~
11 disability who has been found to lack the mental capacity
12 to vote in a proceeding held pursuant to section 222.31 or
13 633.556.

14 Sec. 6. Section 126.16, subsection 2, Code 2011, is amended
15 to read as follows:

16 2. For the purpose of this chapter, advertising is false if
17 it represents a drug, device, or cosmetic to have any effect
18 in the diagnosis, prevention, or treatment of arthritis,
19 blood disorders, bone or joint diseases, kidney diseases or
20 disorders, cancer, diabetes, gall bladder disease or disorders,
21 heart and vascular disease, high blood pressure, diseases or
22 disorders of the ear, mental disease or ~~mental retardation~~ an
23 intellectual disability, degenerative neurological diseases,
24 paralysis, prostate gland disorders, conditions of the scalp
25 affecting hair loss, baldness, endocrine disorders, sexual
26 impotence, tumors, venereal diseases, varicose ulcers,
27 breast enlargement, purifying blood, metabolic disorders,
28 immune system disorders or conditions affecting the immune
29 system, extension of life expectancy, stress and tension,
30 brain stimulation or performance, the body's natural defense
31 mechanisms, blood flow, and depression. However, advertising
32 not in violation of subsection 1 is not false under this
33 subsection if it is disseminated only to members of the
34 medical, dental, or veterinary professions, or appears only
35 in the scientific periodicals of these professions, or is

LSB 5146SV (2) 84
ad/rj

2/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 disseminated only for the purpose of public health education by
2 persons not commercially interested, directly or indirectly,
3 in the sale of such drugs or devices. However, if the board
4 determines that an advance in medical science has made any
5 type of self-medication safe as to any of the diseases named
6 in this subsection, the board shall by rule authorize the
7 advertising of drugs having curative or therapeutic effect for
8 such disease, subject to the conditions and restrictions the
9 board deems necessary in the interests of the public health.
10 However, this subsection does not indicate that self-medication
11 for diseases other than those named in this subsection is safe
12 and efficacious.

13 Sec. 7. Section 135.63, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. A new institutional health service or changed
16 institutional health service shall not be offered or developed
17 in this state without prior application to the department
18 for and receipt of a certificate of need, pursuant to this
19 division. The application shall be made upon forms furnished
20 or prescribed by the department and shall contain such
21 information as the department may require under this division.
22 The application shall be accompanied by a fee equivalent
23 to three-tenths of one percent of the anticipated cost of
24 the project with a minimum fee of six hundred dollars and a
25 maximum fee of twenty-one thousand dollars. The fee shall be
26 remitted by the department to the treasurer of state, who shall
27 place it in the general fund of the state. If an application
28 is voluntarily withdrawn within thirty calendar days after
29 submission, seventy-five percent of the application fee shall
30 be refunded; if the application is voluntarily withdrawn more
31 than thirty but within sixty days after submission, fifty
32 percent of the application fee shall be refunded; if the
33 application is withdrawn voluntarily more than sixty days
34 after submission, twenty-five percent of the application fee
35 shall be refunded. Notwithstanding the required payment of

LSB 5146SV (2) 84
ad/rj

3/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 an application fee under this subsection, an applicant for a
2 new institutional health service or a changed institutional
3 health service offered or developed by an intermediate care
4 facility for persons with ~~mental retardation~~ an intellectual
5 disability or an intermediate care facility for persons with
6 mental illness as defined pursuant to section 135C.1 is exempt
7 from payment of the application fee.

8 Sec. 8. Section 135.63, subsection 2, paragraphs f and p,
9 Code 2011, are amended to read as follows:

10 f. A residential care facility, as defined in section
11 135C.1, including a residential care facility for persons with
12 ~~mental retardation~~ an intellectual disability, notwithstanding
13 any provision in this division to the contrary.

14 p. The conversion of an existing number of beds by an
15 intermediate care facility for persons with ~~mental retardation~~
16 an intellectual disability to a smaller facility environment,
17 including but not limited to a community-based environment
18 which does not result in an increased number of beds,
19 notwithstanding any provision in this division to the contrary,
20 including subsection 4, if all of the following conditions
21 exist:

22 (1) The intermediate care facility for persons with ~~mental~~
23 ~~retardation~~ an intellectual disability reports the number
24 and type of beds to be converted on a form prescribed by the
25 department at least thirty days before the conversion.

26 (2) The intermediate care facility for persons with ~~mental~~
27 ~~retardation~~ an intellectual disability reports the conversion
28 of beds on its next annual report to the department.

29 Sec. 9. Section 135.63, subsection 4, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:

31 A copy of the application shall be sent to the department
32 of human services at the time the application is submitted
33 to the Iowa department of public health. The department
34 shall not process applications for and the council shall not
35 consider a new or changed institutional health service for an

LSB 5146SV (2) 84
ad/rj

4/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 intermediate care facility for persons with ~~mental-retardation~~
2 an intellectual disability unless both of the following
3 conditions are met:

4 Sec. 10. Section 135.63, subsection 4, paragraph a, Code
5 2011, is amended to read as follows:

6 a. The new or changed beds shall not result in an
7 increase in the total number of medical assistance certified
8 intermediate care facility beds for persons with ~~mental~~
9 ~~retardation~~ an intellectual disability in the state, exclusive
10 of those beds at the state resource centers or other state
11 institutions, beyond one thousand six hundred thirty-six beds.

12 Sec. 11. Section 135C.1, subsections 6, 9, and 13, Code
13 2011, are amended to read as follows:

14 6. "*Health care facility*" or "*facility*" means a residential
15 care facility, a nursing facility, an intermediate care
16 facility for persons with mental illness, or an intermediate
17 care facility for persons with ~~mental-retardation~~ an
18 intellectual disability.

19 9. "*Intermediate care facility for persons with mental*
20 ~~*retardation*~~ *an intellectual disability*" means an institution
21 or distinct part of an institution with a primary purpose
22 to provide health or rehabilitative services to three or
23 more individuals, who primarily have ~~mental-retardation~~ an
24 intellectual disability or a related condition and who are
25 not related to the administrator or owner within the third
26 degree of consanguinity, and which meets the requirements
27 of this chapter and federal standards for intermediate care
28 facilities for persons with ~~mental-retardation~~ an intellectual
29 disability established pursuant to the federal Social Security
30 Act, § 1905(c)(d), as codified in 42 U.S.C. § 1936d, which are
31 contained in 42 C.F.R. pt. 483, subpt. D, § 410 - 480.

32 13. "*Nursing facility*" means an institution or a distinct
33 part of an institution housing three or more individuals not
34 related to the administrator or owner within the third degree
35 of consanguinity, which is primarily engaged in providing



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 health-related care and services, including rehabilitative
2 services, but which is not engaged primarily in providing
3 treatment or care for mental illness or ~~mental retardation~~ an
4 intellectual disability, for a period exceeding twenty-four
5 consecutive hours for individuals who, because of a mental or
6 physical condition, require nursing care and other services in
7 addition to room and board.

8 Sec. 12. Section 135C.2, subsection 3, paragraphs b, c, and
9 d, Code 2011, are amended to read as follows:

10 b. The department may also establish by administrative
11 rule special classifications within the residential care
12 facility, intermediate care facility for persons with mental
13 illness, intermediate care facility for persons with ~~mental~~
14 ~~retardation~~ an intellectual disability, or nursing facility
15 categories, for facilities intended to serve individuals who
16 have special health care problems or conditions in common.
17 Rules establishing a special classification shall define the
18 problem or condition to which the special classification is
19 relevant and establish requirements for an approved program of
20 care commensurate with the problem or condition. The rules
21 may grant special variances or considerations to facilities
22 licensed within the special classification.

23 c. The rules adopted for intermediate care facilities for
24 persons with ~~mental retardation~~ an intellectual disability
25 shall be consistent with, but no more restrictive than, the
26 federal standards for intermediate care facilities for persons
27 with ~~mental retardation~~ an intellectual disability established
28 pursuant to the federal Social Security Act, § 1905(c)(d),
29 as codified in 42 U.S.C. § 1396d, in effect on January 1,
30 1989. However, in order for an intermediate care facility for
31 persons with ~~mental retardation~~ an intellectual disability
32 to be licensed, the state fire marshal must certify to the
33 department that the facility meets the applicable provisions
34 of the rules adopted for such facilities by the state fire
35 marshal. The state fire marshal's rules shall be based

LSB 5146SV (2) 84
ad/rj

6/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 upon such a facility's compliance with either the provisions
2 applicable to health care occupancies or residential board and
3 care occupancies of the life safety code of the national fire
4 protection association, 2000 edition. The department shall
5 adopt additional rules for intermediate care facilities for
6 persons with ~~mental-retardation~~ an intellectual disability
7 pursuant to section 135C.14, subsection 8.

8 d. Notwithstanding the limitations set out in this
9 subsection regarding rules for intermediate care facilities for
10 persons with ~~mental-retardation~~ an intellectual disability,
11 the department shall consider the federal interpretive
12 guidelines issued by the federal centers for Medicare and
13 Medicaid services when interpreting the department's rules
14 for intermediate care facilities for persons with ~~mental-~~
15 ~~retardation~~ an intellectual disability. This use of the
16 guidelines is not subject to the rulemaking provisions of
17 sections 17A.4 and 17A.5, but the guidelines shall be published
18 in the Iowa administrative bulletin and the Iowa administrative
19 code.

20 Sec. 13. Section 135C.2, subsection 5, unnumbered paragraph
21 1, Code 2011, is amended to read as follows:

22 The department shall establish a special classification
23 within the residential care facility category in order
24 to foster the development of residential care facilities
25 which serve persons with ~~mental-retardation~~ an intellectual
26 disability, chronic mental illness, a developmental disability,
27 or brain injury, as described under section 225C.26, and which
28 contain five or fewer residents. A facility within the special
29 classification established pursuant to this subsection is
30 exempt from the requirements of section 135.63. The department
31 shall adopt rules which are consistent with rules previously
32 developed for the waiver demonstration project pursuant to 1986
33 Iowa Acts, chapter 1246, section 206, and which include all of
34 the following provisions:

35 Sec. 14. Section 135C.2, subsection 5, paragraphs a and f,

LSB 5146SV (2) 84
ad/rj

7/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Code 2011, are amended to read as follows:

2 a. A facility provider under the special classification must
3 comply with rules adopted by the department for the special
4 classification. However, a facility provider which has been
5 accredited by the accreditation council for services to persons
6 with ~~mental-retardation~~ an intellectual disability and other
7 developmental disabilities shall be deemed to be in compliance
8 with the rules adopted by the department.

9 f. The facilities licensed under this subsection shall be
10 eligible for funding utilized by other licensed residential
11 care facilities for persons with ~~mental-retardation~~ an
12 intellectual disability, or licensed residential care
13 facilities for persons with mental illness, including but not
14 limited to funding under or from the federal social services
15 block grant, the state supplementary assistance program, state
16 mental health and developmental disabilities services funds,
17 and county funding provisions.

18 Sec. 15. Section 135C.6, subsection 8, paragraphs a and b,
19 Code 2011, are amended to read as follows:

20 a. Residential programs providing care to not more than
21 four individuals and receiving moneys appropriated to the
22 department of human services under provisions of a federally
23 approved home and community-based services waiver for persons
24 with intellectual disabilities or other medical assistance
25 program under chapter 249A. In approving a residential program
26 under this paragraph, the department of human services shall
27 consider the geographic location of the program so as to avoid
28 an overconcentration of such programs in an area. In order
29 to be approved under this paragraph, a residential program
30 shall not be required to involve the conversion of a licensed
31 residential care facility for persons with ~~mental-retardation~~
32 an intellectual disability.

33 b. Not more than forty residential care facilities for
34 persons with ~~mental-retardation~~ an intellectual disability
35 that are licensed to serve not more than five individuals may



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 be authorized by the department of human services to convert
2 to operation as a residential program under the provisions
3 of a medical assistance home and community-based services
4 waiver for persons with intellectual disabilities. A converted
5 residential program operating under this paragraph is subject
6 to the conditions stated in paragraph "a" except that the
7 program shall not serve more than five individuals.

8 Sec. 16. Section 135C.6, subsection 9, Code 2011, is amended
9 to read as follows:

10 9. Contingent upon the department of human services
11 receiving federal approval, a residential program which
12 serves not more than eight individuals and is licensed as an
13 intermediate care facility for persons with ~~mental-retardation~~
14 an intellectual disability may surrender the facility license
15 and continue to operate under a federally approved medical
16 assistance home and community-based services waiver for
17 persons with an intellectual disabilities disability, if the
18 department of human services has approved a plan submitted by
19 the residential program.

20 Sec. 17. Section 135C.23, subsection 2, paragraph b, Code
21 2011, is amended to read as follows:

22 b. This section does not prohibit the admission of a
23 patient with a history of dangerous or disturbing behavior
24 to an intermediate care facility for persons with mental
25 illness, intermediate care facility for persons with ~~mental-~~
26 ~~retardation~~ an intellectual disability, nursing facility, or
27 county care facility when the intermediate care facility for
28 persons with mental illness, intermediate care facility for
29 persons with ~~mental-retardation~~ an intellectual disability,
30 nursing facility, or county care facility has a program which
31 has received prior approval from the department to properly
32 care for and manage the patient. An intermediate care
33 facility for persons with mental illness, intermediate care
34 facility for persons with ~~mental-retardation~~ an intellectual
35 disability, nursing facility, or county care facility is

LSB 5146SV (2) 84
ad/rj

9/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 required to transfer or discharge a resident with dangerous or
2 disturbing behavior when the intermediate care facility for
3 persons with mental illness, intermediate care facility for
4 persons with ~~mental retardation~~ an intellectual disability,
5 nursing facility, or county care facility cannot control the
6 resident's dangerous or disturbing behavior. The department,
7 in coordination with the state mental health and disability
8 services commission created in section 225C.5, shall adopt
9 rules pursuant to chapter 17A for programs to be required
10 in intermediate care facilities for persons with mental
11 illness, intermediate care facilities for persons with ~~mental~~
12 ~~retardation~~ an intellectual disability, nursing facilities, and
13 county care facilities that admit patients or have residents
14 with histories of dangerous or disturbing behavior.

15 Sec. 18. Section 135C.25, subsection 1, Code 2011, is
16 amended to read as follows:

17 1. Each health care facility shall have a resident advocate
18 committee whose members shall be appointed by the director
19 of the department on aging or the director's designee. A
20 person shall not be appointed a member of a resident advocate
21 committee for a health care facility unless the person is a
22 resident of the service area where the facility is located.
23 The resident advocate committee for any facility caring
24 primarily for persons with mental illness, ~~mental retardation~~
25 an intellectual disability, or a developmental disability shall
26 only be appointed after consultation with the administrator
27 of the division of mental health and disability services of
28 the department of human services on the proposed appointments.
29 Recommendations to the director or the director's designee for
30 membership on resident advocate committees are encouraged from
31 any agency, organization, or individual. The administrator of
32 the facility shall not be appointed to the resident advocate
33 committee and shall not be present at committee meetings except
34 upon request of the committee.

35 Sec. 19. Section 155.1, subsection 3, Code 2011, is amended

LSB 5146SV (2) 84

-10-

ad/rj

10/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 to read as follows:

2 3. "*Nursing home*" means an institution or facility, or
3 part of an institution or facility, whether proprietary or
4 nonprofit, licensed as a nursing facility, but not including an
5 intermediate care facility for persons with ~~mental retardation~~
6 an intellectual disability or an intermediate care facility
7 for persons with mental illness, defined as such for licensing
8 purposes under state law or administrative rule adopted
9 pursuant to section 135C.2, including but not limited to, a
10 nursing home owned or administered by the federal or state
11 government or an agency or political subdivision of government.

12 Sec. 20. Section 217.1, Code 2011, is amended to read as
13 follows:

14 **217.1 Programs of department.**

15 There is established a department of human services to
16 administer programs designed to improve the well-being
17 and productivity of the people of the state of Iowa. The
18 department shall concern itself with the problems of
19 human behavior, adjustment, and daily living through the
20 administration of programs of family, child, and adult
21 welfare, economic assistance including costs of medical care,
22 rehabilitation toward self-care and support, delinquency
23 prevention and control, treatment and rehabilitation of
24 juvenile offenders, care and treatment of persons with mental
25 illness or ~~mental retardation~~ an intellectual disability, and
26 other related programs as provided by law.

27 Sec. 21. Section 218.92, Code 2011, is amended to read as
28 follows:

29 **218.92 Patients with dangerous mental disturbances.**

30 When a patient in a state resource center for persons
31 with ~~mental retardation~~ an intellectual disability, a state
32 mental health institute, or another institution under the
33 administration of the department of human services has become
34 so mentally disturbed as to constitute a danger to self, to
35 other patients or staff of the institution, or to the public,

LSB 5146SV (2) 84

-11-

ad/rj

11/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 and the institution cannot provide adequate security, the
2 administrator in charge of the institution, with the consent
3 of the director of the Iowa department of corrections, may
4 order the patient to be transferred to the Iowa medical and
5 classification center, if the superintendent of the institution
6 from which the patient is to be transferred, with the support
7 of a majority of the medical staff, recommends the transfer in
8 the interest of the patient, other patients, or the public. If
9 the patient transferred was hospitalized pursuant to sections
10 229.6 to 229.15, the transfer shall be promptly reported to
11 the court that ordered the hospitalization of the patient, as
12 required by section 229.15, subsection 5. The Iowa medical
13 and classification center has the same rights, duties, and
14 responsibilities with respect to the patient as the institution
15 from which the patient was transferred had while the patient
16 was hospitalized in the institution. The cost of the transfer
17 shall be paid from the funds of the institution from which the
18 transfer is made.

19 Sec. 22. Section 222.1, Code 2011, is amended to read as
20 follows:

21 **222.1 Purpose of state resource centers.**

22 1. The Glenwood state resource center and the Woodward
23 state resource center are established and shall be maintained
24 as the state's regional resource centers for the purpose of
25 providing treatment, training, instruction, care, habilitation,
26 and support of persons with ~~mental-retardation~~ an intellectual
27 disability or other disabilities in this state, and providing
28 facilities, services, and other support to the communities
29 located in the region being served by a state resource center.
30 In addition, the state resource centers are encouraged to serve
31 as a training resource for community-based program staff,
32 medical students, and other participants in professional
33 education programs. A resource center may request the approval
34 of the council on human services to change the name of the
35 resource center for use in communication with the public, in

LSB 5146SV (2) 84

-12-

ad/rj

12/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 signage, and in other forms of communication.

2 2. A special ~~mental retardation~~ intellectual disability
3 unit may be maintained at one of the state mental health
4 institutes for the purposes set forth in sections 222.88 to
5 222.91.

6 Sec. 23. Section 222.2, subsections 5 and 6, Code 2011, are
7 amended to read as follows:

8 5. ~~"Mental retardation" or "mentally retarded"~~ "Intellectual
9 disability" means ~~a term or terms to describe children and~~
10 ~~adults who as a result of inadequately developed intelligence~~
11 ~~are significantly impaired in ability to learn or to adapt to~~
12 ~~the demands of society~~ the same as defined in section 4.1.

13 6. "Special unit" means a special ~~mental retardation~~
14 intellectual disability unit established at a state mental
15 health institute pursuant to sections 222.88 to 222.91.

16 Sec. 24. Section 222.6, Code 2011, is amended to read as
17 follows:

18 **222.6 State districts.**

19 The administrator shall divide the state into two districts
20 in such manner that one of the resource centers shall be
21 located within each of the districts. Such districts may
22 from time to time be changed. After such districts have been
23 established, the administrator shall notify all boards of
24 supervisors, county auditors, and clerks of the district courts
25 of the action. Thereafter, unless the administrator otherwise
26 orders, all admissions or commitments of persons with ~~mental~~
27 ~~retardation~~ an intellectual disability from a district shall be
28 to the resource center located within such district.

29 Sec. 25. Section 222.9, Code 2011, is amended to read as
30 follows:

31 **222.9 Unauthorized departures.**

32 If any person with ~~mental retardation~~ an intellectual
33 disability shall depart without proper authorization from a
34 resource center or a special unit, it shall be the duty of the
35 superintendent and the superintendent's assistants and all

LSB 5146SV (2) 84

-13-

ad/rj

13/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 peace officers of any county in which such patient may be found
2 to take and detain the patient without a warrant or order and
3 to immediately report such detention to the superintendent who
4 shall immediately provide for the return of such patient to the
5 resource center or special unit.

6 Sec. 26. Section 222.10, Code 2011, is amended to read as
7 follows:

8 **222.10 Duty of peace officer.**

9 When any person with ~~mental retardation~~ an intellectual
10 disability departs without proper authority from an institution
11 in another state and is found in this state, any peace officer
12 in any county in which such patient is found may take and
13 detain the patient without warrant or order and shall report
14 such detention to the administrator. The administrator shall
15 provide for the return of the patient to the authorities in the
16 state from which the unauthorized departure was made. Pending
17 return, such patient may be detained temporarily at one of the
18 institutions of this state governed by the administrator or by
19 the administrator of the division of child and family services
20 of the department of human services. The provisions of this
21 section relating to the administrator shall also apply to the
22 return of other nonresident persons with ~~mental retardation~~ an
23 intellectual disability having legal settlement outside the
24 state of Iowa.

25 Sec. 27. Section 222.12, subsections 1 and 3, Code 2011, are
26 amended to read as follows:

27 1. Upon the death of a patient of a resource center or
28 special unit, a preliminary investigation of the death shall be
29 conducted as required by section 218.64 by the county medical
30 examiner as provided in section 331.802. Such a preliminary
31 investigation shall also be conducted in the event of a sudden
32 or mysterious death of a patient in a private institution for
33 persons with ~~mental retardation~~ an intellectual disability.
34 The chief administrative officer of any private institution may
35 request an investigation of the death of any patient by the

LSB 5146SV (2) 84

-14-

ad/rj

14/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 county medical examiner.

2 3. The parent, guardian, or other person responsible for
3 the admission of a patient to a private institution for persons
4 with ~~mental retardation~~ an intellectual disability may also
5 request such a preliminary investigation by the county medical
6 examiner in the event of the death of the patient that is not
7 sudden or mysterious. The person or persons making the request
8 are liable for the expense of such preliminary investigation
9 and payment for the expense may be required in advance.

10 Sec. 28. Section 222.13, subsections 1 and 2, Code 2011, are
11 amended to read as follows:

12 1. If an adult person is believed to be a person with ~~mental~~
13 ~~retardation~~ an intellectual disability, the adult person or
14 the adult person's guardian may submit a request through the
15 central point of coordination process for the county board
16 of supervisors to apply to the superintendent of any state
17 resource center for the voluntary admission of the adult
18 person either as an inpatient or an outpatient of the resource
19 center. After determining the legal settlement of the adult
20 person as provided by this chapter, the board of supervisors
21 shall, on forms prescribed by the administrator, apply to the
22 superintendent of the resource center in the district for the
23 admission of the adult person to the resource center. An
24 application for admission to a special unit of any adult person
25 believed to be in need of any of the services provided by the
26 special unit under section 222.88 may be made in the same
27 manner, upon request of the adult person or the adult person's
28 guardian. The superintendent shall accept the application
29 providing a preadmission diagnostic evaluation, performed
30 through the central point of coordination process, confirms or
31 establishes the need for admission, except that an application
32 may not be accepted if the institution does not have adequate
33 facilities available or if the acceptance will result in an
34 overcrowded condition.

35 2. If the resource center has no appropriate program for the

LSB 5146SV (2) 84

-15-

ad/rj

15/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 treatment of an adult or minor person with ~~mental retardation~~
2 an intellectual disability applying under this section or
3 section 222.13A, the board of supervisors shall arrange for
4 the placement of the person in any public or private facility
5 within or without the state, approved by the director of the
6 department of human services, which offers appropriate services
7 for the person, as determined through the central point of
8 coordination process.

9 Sec. 29. Section 222.13A, subsections 1 and 2, Code 2011,
10 are amended to read as follows:

11 1. If a minor is believed to be a person with ~~mental~~
12 ~~retardation~~ an intellectual disability, the minor's parent,
13 guardian, or custodian may request the county board of
14 supervisors to apply for admission of the minor as a voluntary
15 patient in a state resource center. If the resource center
16 does not have appropriate services for the minor's treatment,
17 the board of supervisors may arrange for the admission of the
18 minor in a public or private facility within or without the
19 state, approved by the director of human services, which offers
20 appropriate services for the minor's treatment.

21 2. Upon receipt of an application for voluntary admission
22 of a minor, the board of supervisors shall provide for a
23 preadmission diagnostic evaluation of the minor to confirm
24 or establish the need for the admission. The preadmission
25 diagnostic evaluation shall be performed by a person who
26 meets the qualifications of a qualified ~~mental retardation~~
27 intellectual disability professional who is designated through
28 the central point of coordination process.

29 Sec. 30. Section 222.16, Code 2011, is amended to read as
30 follows:

31 **222.16 Petition for adjudication of ~~mental retardation~~**
32 **intellectual disability.**

33 A petition for the adjudication ~~of the mental retardation~~
34 of a person as having an intellectual disability within the
35 meaning of this chapter may, with the permission of the court,

LSB 5146SV (2) 84

-16-

ad/rj

16/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 be filed without fee against a person with the clerk of the
2 district court of the county or city in which the person who is
3 alleged to have ~~mental retardation~~ an intellectual disability
4 resides or is found. The petition may be filed by any relative
5 of the person, by a guardian, or by any reputable citizen of
6 the county where the person who is alleged to have ~~mental~~
7 ~~retardation~~ an intellectual disability resides or is found.

8 Commitment of a person pursuant to section 222.31 does not
9 constitute a finding or raise a presumption that the person
10 is incompetent to vote. The court shall make a separate
11 determination as to the person's competency to vote. The court
12 shall find a person incompetent to vote only upon determining
13 that the person lacks sufficient mental capacity to comprehend
14 and exercise the right to vote.

15 Sec. 31. Section 222.17, subsection 1, Code 2011, is amended
16 to read as follows:

17 1. Allege that such person ~~is mentally retarded~~ has an
18 intellectual disability within the meaning of this chapter.

19 Sec. 32. Section 222.18, Code 2011, is amended to read as
20 follows:

21 **222.18 County attorney to appear.**

22 The county attorney shall, if requested, appear on behalf
23 of any petitioner for the commitment of a person alleged to
24 ~~be mentally retarded~~ have an intellectual disability under
25 this chapter, and on behalf of all public officials and
26 superintendents in all matters pertaining to the duties imposed
27 upon them by this chapter.

28 Upon the filing of the petition, the court shall enter an
29 order directing the county attorney of the county in which
30 the person who is alleged to have ~~mental retardation~~ an
31 intellectual disability resides to make a full investigation
32 regarding the financial condition of that person and of those
33 persons legally liable for that person's support under section
34 222.78.

35 Sec. 33. Section 222.19, unnumbered paragraph 1, Code 2011,

LSB 5146SV (2) 84

-17-

ad/rj

17/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 is amended to read as follows:

2 The following persons, in addition to the person alleged to
3 ~~be mentally retarded~~ have an intellectual disability, shall be
4 made party respondents if the persons reside in this state and
5 their names and residences are known:

6 Sec. 34. Section 222.21, Code 2011, is amended to read as
7 follows:

8 **222.21 Order requiring attendance.**

9 If the person alleged to have ~~mental retardation~~ an
10 intellectual disability is not before the court, the court may
11 issue an order requiring the person who has the care, custody,
12 and control of the person who is alleged to have ~~mental~~
13 ~~retardation~~ an intellectual disability to bring the person into
14 court at the time and place stated in the order.

15 Sec. 35. Section 222.22, Code 2011, is amended to read as
16 follows:

17 **222.22 Time of appearance.**

18 The time of appearance shall not be less than five days
19 after completed service unless the court orders otherwise.
20 Appearance on behalf of the person who is alleged to have
21 ~~mental retardation~~ an intellectual disability may be made by
22 any citizen of the county or by any relative. The district
23 court shall assign counsel for the person who is alleged to
24 have ~~mental retardation~~ an intellectual disability. Counsel
25 shall prior to proceedings personally consult with the person
26 who is alleged to have ~~mental retardation~~ an intellectual
27 disability unless the judge appointing counsel certifies that
28 in the judge's opinion, consultation shall serve no useful
29 purpose. The certification shall be made a part of the record.
30 An attorney assigned by the court shall be compensated by the
31 county at an hourly rate to be established by the county board
32 of supervisors in substantially the same manner as provided in
33 section 815.7.

34 Sec. 36. Section 222.25, Code 2011, is amended to read as
35 follows:

LSB 5146SV (2) 84
ad/rj

18/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 **222.25 Custody pending hearing.**

2 Pending final hearing, the court may at any time after
3 the filing of the petition and on satisfactory showing that
4 it is in the best interest of the person who is alleged to
5 have ~~mental retardation~~ an intellectual disability and of the
6 community that the person be at once taken into custody, or
7 that service of notice will be ineffectual if the person is not
8 taken into custody, issue an order for the immediate production
9 of the person before the court. In such case, the court may
10 make any proper order for the custody or confinement of the
11 person as will protect the person and the community and insure
12 the presence of the person at the hearing. The person shall
13 not be confined with those accused or convicted of crime.

14 Sec. 37. Section 222.27, Code 2011, is amended to read as
15 follows:

16 **222.27 Hearing in public.**

17 Hearings shall be public, unless otherwise requested by the
18 parent, guardian, or other person having the custody of the
19 person with ~~mental retardation~~ an intellectual disability,
20 or if the judge considers, a closed hearing in the best
21 interests of the person with ~~mental retardation~~ an intellectual
22 disability.

23 Sec. 38. Section 222.28, Code 2011, is amended to read as
24 follows:

25 **222.28 Commission to examine.**

26 The court may, at or prior to the final hearing, appoint
27 a commission of one qualified physician and one qualified
28 psychologist, designated through the central point of
29 coordination process, who shall make a personal examination of
30 the person alleged to ~~be mentally retarded~~ have an intellectual
31 disability for the purpose of determining the mental condition
32 of the person.

33 Sec. 39. Section 222.31, subsection 1, unnumbered paragraph
34 1, Code 2011, is amended to read as follows:

35 If in the opinion of the court, or of a commission as

LSB 5146SV (2) 84

-19-

ad/rj

19/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 authorized in section 222.28, the person ~~is mentally retarded~~
2 has an intellectual disability within the meaning of this
3 chapter and the court determines that it will be conducive
4 to the welfare of that person and of the community to commit
5 the person to a proper institution for treatment, training,
6 instruction, care, habilitation, and support, and that services
7 or support provided to the family of such a person who is a
8 child will not enable the family to continue to care for the
9 child in the child's home, the court shall by proper order:

10 Sec. 40. Section 222.34, Code 2011, is amended to read as
11 follows:

12 **222.34 Guardianship proceedings.**

13 If a guardianship is proposed for a person with ~~mental~~
14 ~~retardation~~ an intellectual disability, guardianship
15 proceedings shall be initiated and conducted as provided in
16 chapter 633.

17 Sec. 41. Section 222.38, Code 2011, is amended to read as
18 follows:

19 **222.38 Delivery of person to institution, resource center, or**
20 **special unit.**

21 The court may, for the purpose of committing a person
22 direct the clerk to authorize the employment of one or
23 more assistants. If a person with ~~mental retardation~~ an
24 intellectual disability is taken to an institution, resource
25 center, or special unit, at least one attendant shall be of the
26 same sex.

27 Sec. 42. Section 222.43, subsection 1, paragraphs a, b, and
28 c, Code 2011, are amended to read as follows:

29 a. That the person adjudged to ~~be mentally retarded~~ is not
30 ~~mentally retarded~~ have an intellectual disability does not have
31 an intellectual disability.

32 b. That the person adjudged to ~~be mentally retarded~~ have an
33 intellectual disability has improved as to be capable of ~~self~~
34 care self-care.

35 c. That the relatives or friends of the person with ~~mental~~

LSB 5146SV (2) 84

-20-

ad/rj

20/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 ~~retardation~~ an intellectual disability are able and willing
2 to support and care for the person with ~~mental retardation~~ an
3 intellectual disability and request the person's discharge,
4 and in the judgment of the superintendent of the institution
5 or resource center having charge of the person, no harmful
6 consequences are likely to follow such discharge.

7 Sec. 43. Section 222.45, Code 2011, is amended to read as
8 follows:

9 **222.45 Power of court.**

10 On the hearing, the court may discharge the person with
11 ~~mental retardation~~ an intellectual disability from all
12 supervision, control, and care, or may transfer the person
13 from a public institution to a private institution, or vice
14 versa, or transfer the person from a special unit to a resource
15 center, or vice versa, as the court deems appropriate under
16 all the circumstances. If the person has been determined to
17 lack the mental capacity to vote, the court shall include in
18 its order a finding that this determination remains in force
19 or is revoked.

20 Sec. 44. Section 222.47, Code 2011, is amended to read as
21 follows:

22 **222.47 Penalty for false petition of commitment.**

23 Any person who shall maliciously seek to have any person
24 adjudged ~~mentally retarded~~ as a person with an intellectual
25 disability, knowing that such person ~~is not mentally retarded~~
26 does not have an intellectual disability, shall be guilty of
27 a fraudulent practice.

28 Sec. 45. Section 222.49, Code 2011, is amended to read as
29 follows:

30 **222.49 Costs paid.**

31 The costs of proceedings shall be defrayed from the county
32 treasury unless otherwise ordered by the court. When the
33 person alleged to ~~be mentally retarded~~ have an intellectual
34 disability is found not to ~~be mentally retarded~~ have an
35 intellectual disability, the court shall render judgment for

LSB 5146SV (2) 84

-21-

ad/rj

21/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 such costs against the person filing the petition except when
2 the petition is filed by order of court.

3 Sec. 46. Section 222.50, Code 2011, is amended to read as
4 follows:

5 **222.50 County of legal settlement to pay.**

6 When the proceedings are instituted in a county in which
7 the person who is alleged to have ~~mental retardation~~ an
8 intellectual disability was found but which is not the county
9 of legal settlement of the person, and the costs are not taxed
10 to the petitioner, the county which is the legal settlement of
11 the person shall, on presentation of a properly itemized bill
12 for such costs, repay the costs to the former county. When the
13 person's legal settlement is outside the state or is unknown,
14 the costs shall be paid out of money in the state treasury not
15 otherwise appropriated, itemized on vouchers executed by the
16 auditor of the county which paid the costs, and approved by the
17 administrator.

18 Sec. 47. Section 222.51, Code 2011, is amended to read as
19 follows:

20 **222.51 Costs collected.**

21 Costs incident to the hearings and commitment of a
22 person with ~~mental retardation~~ an intellectual disability
23 to an institution, a resource center, or a special unit
24 may be collected from the person with ~~mental retardation~~ an
25 intellectual disability and from all persons legally chargeable
26 with the support of the person with ~~mental retardation~~ an
27 intellectual disability.

28 Sec. 48. Section 222.52, Code 2011, is amended to read as
29 follows:

30 **222.52 Proceedings against delinquent — hearing on**
31 ~~retardation~~ intellectual disability.

32 When in proceedings against an alleged delinquent or
33 dependent child, the court is satisfied from any evidence that
34 such child ~~is mentally retarded~~ has an intellectual disability,
35 the court may order a continuance of such proceeding, and may

LSB 5146SV (2) 84

-22-

ad/rj

22/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 direct an officer of the court or some other proper person
2 to file a petition against such child permitted under the
3 provisions of this chapter. Pending hearing of the petition
4 the court may by order provide proper custody for the child.
5 Sec. 49. Section 222.53, Code 2011, is amended to read as
6 follows:

7 **222.53 Conviction — suspension.**

8 If on the conviction in the district court of any person
9 for any crime or for any violation of any municipal ordinance,
10 or if on the determination in ~~said courts~~ the court that a
11 child is dependent, neglected, or delinquent and it appears
12 from any evidence presented to the court before sentence,
13 that such person ~~is mentally retarded~~ has an intellectual
14 disability within the meaning of this chapter, the court may
15 suspend sentence or order, and may order any officer of the
16 court or some other proper person to file a petition permitted
17 under the provisions of this chapter against ~~said~~ such person.
18 Pending hearing of the petition, the court shall provide for
19 the custody of ~~said~~ such person as directed in section 222.52.

20 Sec. 50. Section 222.54, Code 2011, is amended to read as
21 follows:

22 **222.54 Procedure after hearing.**

23 Should it be found under sections 222.52 and 222.53 that
24 ~~said such person is not mentally retarded~~ does not have an
25 intellectual disability, the court shall proceed with the
26 original proceedings as though no petition had been filed.

27 Sec. 51. Section 222.56, Code 2011, is amended to read as
28 follows:

29 **222.56 Transfer to institution for persons with mental**
30 **~~retardation~~ an intellectual disability.**

31 When the mental condition of a person in a private
32 institution for persons with mental illness is found to be such
33 that the patient should be transferred to an institution for
34 persons with ~~mental retardation~~ an intellectual disability, the
35 person may be proceeded against under this chapter.

LSB 5146SV (2) 84

-23-

ad/rj

23/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Sec. 52. Section 222.58, Code 2011, is amended to read as
2 follows:

3 **222.58 Administrator to keep record.**

4 The administrator shall keep a record of all persons
5 adjudged to ~~be mentally retarded~~ have an intellectual
6 disability and of the orders respecting such persons by the
7 courts throughout the state. Copies of such orders shall be
8 furnished by the clerk of the court without the administrator's
9 application therefor.

10 Sec. 53. Section 222.60, subsection 1, unnumbered paragraph
11 1, Code 2011, is amended to read as follows:

12 All necessary and legal expenses for the cost of admission or
13 commitment or for the treatment, training, instruction, care,
14 habilitation, support and transportation of persons with ~~mental~~
15 ~~retardation~~ an intellectual disability, as provided for in
16 the county management plan provisions implemented pursuant to
17 section 331.439, subsection 1, in a state resource center, or
18 in a special unit, or any public or private facility within or
19 without the state, approved by the director of the department
20 of human services, shall be paid by either:

21 Sec. 54. Section 222.60, subsection 2, paragraph a, Code
22 2011, is amended to read as follows:

23 a. Prior to a county of legal settlement approving the
24 payment of expenses for a person under this section, the county
25 may require that the person be diagnosed to determine if the
26 person has ~~mental retardation~~ an intellectual disability or
27 that the person be evaluated to determine the appropriate level
28 of services required to meet the person's needs relating to
29 ~~mental retardation~~ an intellectual disability. The diagnosis
30 and the evaluation may be performed concurrently and shall
31 be performed by an individual or individuals approved by the
32 county who are qualified to perform the diagnosis or the
33 evaluation. Following the initial approval for payment of
34 expenses, the county of legal settlement may require that an
35 evaluation be performed at reasonable time periods.

LSB 5146SV (2) 84

-24-

ad/rj

24/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Sec. 55. Section 222.60, subsection 3, Code 2011, is amended
2 to read as follows:

3 3. a. A diagnosis of ~~mental retardation~~ an intellectual
4 disability under this section shall be made only when the onset
5 of the person's condition was prior to the age of eighteen
6 years and shall be based on an assessment of the person's
7 intellectual functioning and level of adaptive skills. The
8 diagnosis shall be made by an individual who is a psychologist
9 or psychiatrist who is professionally trained to administer
10 the tests required to assess intellectual functioning and to
11 evaluate a person's adaptive skills.

12 b. A diagnosis of ~~mental retardation~~ an intellectual
13 disability shall be made in accordance with the criteria
14 provided in the diagnostic and statistical manual of
15 mental disorders, ~~fourth edition~~, published by the American
16 psychiatric association, as provided in the definition of
17 intellectual disability in section 4.1.

18 Sec. 56. Section 222.66, Code 2011, is amended to read as
19 follows:

20 **222.66 Transfers — expenses.**

21 The transfer to a resource center or a special unit or to the
22 place of legal settlement of a person with ~~mental retardation~~
23 an intellectual disability who has no legal settlement in this
24 state or whose legal settlement is unknown, shall be made
25 in accordance with such directions as shall be prescribed
26 by the administrator and when practicable by employees of
27 the state resource center or the special unit. The actual
28 and necessary expenses of such transfers shall be paid on
29 itemized vouchers sworn to by the claimants and approved by
30 the administrator from any funds in the state treasury not
31 otherwise appropriated.

32 Sec. 57. Section 222.78, Code 2011, is amended to read as
33 follows:

34 **222.78 Parents and others liable for support.**

35 The father and mother of any patient admitted or committed to

LSB 5146SV (2) 84

-25-

ad/rj

25/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 a resource center or to a special unit, as either an inpatient
2 or an outpatient, and any person, firm, or corporation bound
3 by contract made for support of the patient are liable for the
4 support of the patient. The patient and those legally bound
5 for the support of the patient shall be liable to the county
6 for all sums advanced by the county to the state under the
7 provisions of sections 222.60 and 222.77. The liability of
8 any person, other than the patient, who is legally bound for
9 the support of a patient who is under eighteen years of age
10 in a resource center or a special unit shall not exceed the
11 average minimum cost of the care of a normally intelligent
12 minor without a disability of the same age and sex as the
13 minor patient. The administrator shall establish the scale
14 for this purpose but the scale shall not exceed the standards
15 for personal allowances established by the state division
16 under the family investment program. The father or mother
17 shall incur liability only during any period when the father
18 or mother either individually or jointly receive a net income
19 from whatever source, commensurate with that upon which they
20 would be liable to make an income tax payment to this state.
21 The father or mother of a patient shall not be liable for the
22 support of the patient upon the patient attaining eighteen
23 years of age. Nothing in this section shall be construed to
24 prevent a relative or other person from voluntarily paying
25 the full actual cost as established by the administrator for
26 caring for the patient with ~~mental-retardation~~ an intellectual
27 disability.

28 Sec. 58. Section 222.80, Code 2011, is amended to read as
29 follows:

30 **222.80 Liability to county.**

31 A person admitted or committed to a county institution
32 or home or admitted or committed at county expense to a
33 private hospital, sanitarium, or other facility for treatment,
34 training, instruction, care, habilitation, and support as a
35 patient with ~~mental-retardation~~ an intellectual disability

LSB 5146SV (2) 84
ad/rj

26/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 shall be liable to the county for the reasonable cost of the
2 support as provided in section 222.78.

3 Sec. 59. Section 222.88, Code 2011, is amended to read as
4 follows:

5 **222.88 ~~Special mental retardation~~ intellectual disability**
6 **unit.**

7 The director of human services may organize and establish a
8 special ~~mental retardation~~ intellectual disability unit at an
9 existing institution which may provide:

10 1. Psychiatric and related services to children with ~~mental~~
11 ~~retardation~~ an intellectual disability and adults who are also
12 emotionally disturbed or otherwise mentally ill.

13 2. Specific programs to meet the needs of such other special
14 categories of persons with ~~mental retardation~~ an intellectual
15 disability as may be designated by the director.

16 3. Appropriate diagnostic evaluation services.

17 Sec. 60. Section 225C.1, subsection 1, Code 2011, is amended
18 to read as follows:

19 1. The general assembly finds that services to persons with
20 mental illness, ~~mental retardation~~ an intellectual disability,
21 developmental disabilities, or brain injury are provided in
22 many parts of the state by highly autonomous community-based
23 service providers working cooperatively with state and county
24 officials. However, the general assembly recognizes that heavy
25 reliance on property tax funding for mental health and ~~mental~~
26 ~~retardation~~ intellectual disability services has enabled many
27 counties to exceed minimum state standards for the services
28 resulting in an uneven level of services around the state.
29 Consequently, greater efforts should be made to ~~assure~~ ensure
30 close coordination and continuity of care for those persons
31 receiving publicly supported disability services in Iowa. It
32 is the purpose of this chapter to continue and to strengthen
33 the services to persons with disabilities now available in
34 the state of Iowa, to make disability services conveniently
35 available to all persons in this state upon a reasonably

LSB 5146SV (2) 84
ad/rj

27/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 uniform financial basis, and to assure the continued high
2 quality of these services.

3 Sec. 61. Section 225C.2, subsections 6 and 8, Code 2011, are
4 amended to read as follows:

5 6. "*Disability services*" means services and other support
6 available to a person with mental illness, ~~mental retardation~~
7 an intellectual disability or other developmental disability,
8 or brain injury.

9 8. "*Person with a disability*" means a person with mental
10 illness, ~~mental retardation~~ an intellectual disability or other
11 developmental disability, or brain injury.

12 Sec. 62. Section 225C.3, subsections 1 and 3, Code 2011, are
13 amended to read as follows:

14 1. The division is designated the state mental health
15 authority as defined in 42 U.S.C. § 201(m) (1976) for the
16 purpose of directing the benefits of the National Mental
17 Health Act, 42 U.S.C. § 201 et seq. This designation does not
18 preclude the board of regents from authorizing or directing any
19 institution under its jurisdiction to carry out educational,
20 prevention, and research activities in the areas of mental
21 health and ~~mental retardation~~ intellectual disability. The
22 division may contract with the board of regents or any
23 institution under the board's jurisdiction to perform any of
24 these functions.

25 3. The division is administered by the administrator.
26 The administrator of the division shall be qualified in the
27 general field of mental health, ~~mental retardation~~ intellectual
28 disability, or other disability services, and preferably in
29 more than one field. The administrator shall have at least
30 five years of experience as an administrator in one or more of
31 these fields.

32 Sec. 63. Section 225C.4, subsection 1, paragraphs a, c, g,
33 and q, Code 2011, are amended to read as follows:

34 a. Prepare and administer the comprehensive mental
35 health and disability services plan as provided in section

LSB 5146SV (2) 84

-28-

ad/rj

28/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 225C.6B, including state mental health and ~~mental-retardation~~
2 intellectual disability plans for the provision of disability
3 services within the state and the state developmental
4 disabilities plan. The administrator shall consult with the
5 Iowa department of public health, the state board of regents or
6 a body designated by the board for that purpose, the department
7 of management or a body designated by the director of the
8 department for that purpose, the department of education, the
9 department of workforce development and any other appropriate
10 governmental body, in order to facilitate coordination of
11 disability services provided in this state. The state mental
12 health and ~~mental-retardation~~ intellectual disability plans
13 shall be consistent with the state health plan, and shall
14 incorporate county disability services plans.

15 c. Emphasize the provision of outpatient services by
16 community mental health centers and local ~~mental-retardation~~
17 intellectual disability providers as a preferable alternative
18 to inpatient hospital services.

19 g. Administer state programs regarding the care, treatment,
20 and supervision of persons with mental illness or ~~mental-~~
21 ~~retardation~~ an intellectual disability, except the programs
22 administered by the state board of regents.

23 g. In cooperation with the department of inspections and
24 appeals, recommend minimum standards under section 227.4 for
25 the care of and services to persons with mental illness and
26 ~~mental-retardation~~ an intellectual disability residing in
27 county care facilities.

28 Sec. 64. Section 225C.5, subsection 1, unnumbered paragraph
29 1, Code Supplement 2011, is amended to read as follows:

30 A mental health and disability services commission is
31 created as the state policy-making body for the provision of
32 services to persons with mental illness, ~~mental-retardation~~ an
33 intellectual disability, ~~or~~ other developmental disabilities,
34 or brain injury. The commission's voting members shall be
35 appointed to three-year staggered terms by the governor and

LSB 5146SV (2) 84

-29-

ad/rj

29/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 are subject to confirmation by the senate. Commission members
2 shall be appointed on the basis of interest and experience in
3 the fields of mental health, ~~mental-retardation~~ intellectual
4 disability, ~~or~~ other developmental disabilities, and brain
5 injury, in a manner so as to ensure adequate representation
6 from persons with disabilities and individuals knowledgeable
7 concerning disability services. The department shall provide
8 staff support to the commission, and the commission may utilize
9 staff support and other assistance provided to the commission
10 by other persons. The commission shall meet at least four
11 times per year. The membership of the commission shall consist
12 of the following persons who, at the time of appointment to the
13 commission, are active members of the indicated groups:

14 Sec. 65. Section 225C.7, subsections 2 and 4, Code 2011, are
15 amended to read as follows:

16 2. Moneys appropriated to the fund shall be allocated
17 to counties for funding of community-based mental health,
18 ~~mental-retardation~~ intellectual disability, developmental
19 disabilities, and brain injury services in the manner
20 provided in the appropriation to the fund. If the allocation
21 methodology includes a population factor, the most recent
22 population estimates issued by the United States bureau of the
23 census shall be applied.

24 4. a. A county is entitled to receive money from the
25 fund if that county raised by county levy and expended for
26 mental health, ~~mental-retardation~~ intellectual disability,
27 and developmental disabilities services, in the preceding
28 fiscal year, an amount of money at least equal to the amount so
29 raised and expended for those purposes during the fiscal year
30 beginning July 1, 1980.

31 b. With reference to the fiscal year beginning July 1, 1980,
32 money *"raised by county levy and expended for mental health,*
33 *~~mental-retardation~~ intellectual disability, and developmental*
34 *disabilities services"* means the county's maintenance of effort
35 determined by using the general allocation application for the

LSB 5146SV (2) 84

-30-

ad/rj

30/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 state community mental health and mental retardation services
2 fund under section 225C.10, subsection 1, Code 1993. The
3 department, with the agreement of each county, shall establish
4 the actual amount expended by each county for persons with
5 mental illness, ~~mental retardation~~ an intellectual disability,
6 or a developmental disability in the fiscal year which began
7 on July 1, 1980, and this amount shall be deemed each county's
8 maintenance of effort.

9 Sec. 66. Section 225C.12, subsection 2, Code 2011, is
10 amended to read as follows:

11 2. A county may claim reimbursement by filing with the
12 administrator a claim in a form prescribed by the administrator
13 by rule. Claims may be filed on a quarterly basis, and when
14 received shall be verified as soon as reasonably possible
15 by the administrator. The administrator shall certify to
16 the director of the department of administrative services
17 the amount to which each county claiming reimbursement is
18 entitled, and the director of the department of administrative
19 services shall issue warrants to the respective counties
20 drawn upon funds appropriated by the general assembly for
21 the purpose of this section. A county shall place funds
22 received under this section in the county mental health,
23 ~~mental retardation~~ intellectual disability, and developmental
24 disabilities services fund created under section 331.424A. If
25 the appropriation for a fiscal year is insufficient to pay
26 all claims arising under this section, the director of the
27 department of administrative services shall prorate the funds
28 appropriated for that year among the claimant counties so that
29 an equal proportion of each county's claim is paid in each
30 quarter for which proration is necessary.

31 Sec. 67. Section 225C.13, subsection 2, Code 2011, is
32 amended to read as follows:

33 2. The division administrator may work with the appropriate
34 administrator of the department's institutions to establish
35 mental health and ~~mental retardation~~ intellectual disability

LSB 5146SV (2) 84

-31-

ad/rj

31/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 services for all institutions under the control of the director
2 of human services and to establish an autism unit, following
3 mutual planning and consultation with the medical director of
4 the state psychiatric hospital, at an institution or a facility
5 administered by the department to provide psychiatric and
6 related services and other specific programs to meet the needs
7 of autistic persons, and to furnish appropriate diagnostic
8 evaluation services.

9 Sec. 68. Section 225C.21, subsection 1, Code 2011, is
10 amended to read as follows:

11 1. As used in this section, "*supported community living*
12 *services*" means services provided in a noninstitutional setting
13 to adult persons with mental illness, ~~mental retardation~~ an
14 intellectual disability, or developmental disabilities to meet
15 the persons' daily living needs.

16 Sec. 69. Section 225C.25, Code 2011, is amended to read as
17 follows:

18 **225C.25 Short title.**

19 Sections 225C.25 through 225C.28B shall be known as "the
20 bill of rights and service quality standards of persons with
21 ~~mental retardation~~ an intellectual disability, developmental
22 disabilities, brain injury, or chronic mental illness".

23 Sec. 70. Section 225C.26, Code 2011, is amended to read as
24 follows:

25 **225C.26 Scope.**

26 These rights and service quality standards apply to any
27 person with ~~mental retardation~~ an intellectual disability,
28 a developmental disability, brain injury, or chronic mental
29 illness who receives services which are funded in whole or in
30 part by public funds or services which are permitted under Iowa
31 law.

32 Sec. 71. Section 225C.28A, unnumbered paragraph 1, Code
33 2011, is amended to read as follows:

34 As the state participates more fully in funding services
35 and other support to persons with ~~mental retardation~~ an

LSB 5146SV (2) 84

-32-

ad/rj

32/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 intellectual disability, developmental disabilities, brain
2 injury, or chronic mental illness, it is the intent of the
3 general assembly that the state shall seek to attain the
4 following quality standards in the provision of the services:
5 Sec. 72. Section 225C.28B, Code 2011, is amended to read as
6 follows:

7 **225C.28B Rights of persons with ~~mental retardation~~ an**
8 **intellectual disability, developmental disabilities, brain**
9 **injury, or chronic mental illness.**

10 All of the following rights shall apply to a person with
11 ~~mental retardation~~ an intellectual disability, a developmental
12 disability, brain injury, or chronic mental illness:

13 1. *Wage protection.* A person with ~~mental retardation~~ an
14 intellectual disability, a developmental disability, brain
15 injury, or chronic mental illness engaged in work programs
16 shall be paid wages commensurate with the going rate for
17 comparable work and productivity.

18 2. *Insurance protection.* Pursuant to section 507B.4,
19 subsection 7, a person or designated group of persons shall not
20 be denied insurance coverage by reason of ~~mental retardation~~
21 an intellectual disability, a developmental disability, brain
22 injury, or chronic mental illness.

23 3. *Due process.* A person with ~~mental retardation~~ an
24 intellectual disability, a developmental disability, brain
25 injury, or chronic mental illness retains the right to
26 citizenship in accordance with the laws of the state.

27 4. *Participation in planning activities.* If an individual
28 treatment, habilitation, and program plan is developed for a
29 person with ~~mental retardation~~ an intellectual disability,
30 a developmental disability, brain injury, or chronic mental
31 illness, the person has the right to participate in the
32 formulation of the plan.

33 Sec. 73. Section 225C.32, Code 2011, is amended to read as
34 follows:

35 **225C.32 Plan appeals process.**

LSB 5146SV (2) 84
ad/rj

33/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 The department shall establish an appeals process by which a
2 mental health, ~~mental-retardation~~ intellectual disability, and
3 developmental disabilities coordinating board or an affected
4 party may appeal a decision of the department or of the
5 coordinating board.

6 Sec. 74. Section 225C.52, subsection 1, Code 2011, is
7 amended to read as follows:

8 1. Establishing a comprehensive community-based mental
9 health services system for children and youth is part of
10 fulfilling the requirements of the division and the commission
11 to facilitate a comprehensive, continuous, and integrated state
12 mental health and disability services plan in accordance with
13 sections 225C.4, 225C.6, and 225C.6A, and other provisions
14 of this chapter. The purpose of establishing the children's
15 system is to improve access for children and youth with
16 serious emotional disturbances and youth with other qualifying
17 mental health disorders to mental health treatment, services,
18 and other support in the least restrictive setting possible
19 so the children and youth can live with their families and
20 remain in their communities. The children's system is also
21 intended to meet the needs of children and youth who have
22 mental health disorders that co-occur with substance abuse,
23 ~~mental-retardation~~ intellectual disability, developmental
24 disabilities, or other disabilities. The children's system
25 shall emphasize community-level collaborative efforts between
26 children and youth and the families and the state's systems
27 of education, child welfare, juvenile justice, health care,
28 substance abuse, and mental health.

29 Sec. 75. Section 226.8, Code 2011, is amended to read as
30 follows:

31 **226.8 Persons with ~~mental-retardation~~ an intellectual**
32 **disability not receivable — exception.**

33 **No A person who is ~~mentally-retarded~~ has an intellectual**
34 **disability, as defined by in section ~~222-2~~ 4.1, shall not**
35 **be admitted, or transferred pursuant to section 222.7, to a**

LSB 5146SV (2) 84

-34-

ad/rj

34/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 state mental health institute unless a professional diagnostic
2 evaluation indicates that such person will benefit from
3 psychiatric treatment or from some other specific program
4 available at the mental health institute to which it is
5 proposed to admit or transfer the person. Charges for the
6 care of any person with ~~mental-retardation~~ an intellectual
7 disability admitted to a state mental health institute shall
8 be made by the institute in the manner provided by chapter
9 230, but the liability of any other person to any county for
10 the cost of care of such person with ~~mental-retardation~~ an
11 intellectual disability shall be as prescribed by section
12 222.78.

13 Sec. 76. Section 226.9C, subsection 2, paragraph a, Code
14 Supplement 2011, is amended to read as follows:

15 a. A county may split the charges between the county's
16 mental health, ~~mental-retardation~~ intellectual disability, and
17 developmental disabilities services fund created pursuant to
18 section 331.424A and the county's budget for substance abuse
19 expenditures.

20 Sec. 77. Section 227.2, subsections 1, 2, and 4, Code 2011,
21 are amended to read as follows:

22 1. The director of inspections and appeals shall make,
23 or cause to be made, at least one licensure inspection each
24 year of every county care facility. Either the administrator
25 of the division or the director of inspections and appeals,
26 in cooperation with each other, upon receipt of a complaint
27 or for good cause, may make, or cause to be made, a review
28 of a county care facility or of any other private or county
29 institution where persons with mental illness or ~~mental-~~
30 ~~retardation~~ an intellectual disability reside. A licensure
31 inspection or a review shall be made by a competent and
32 disinterested person who is acquainted with and interested in
33 the care of persons with mental illness and persons with ~~mental-~~
34 ~~retardation~~ an intellectual disability. The objective of a
35 licensure inspection or a review shall be an evaluation of the

LSB 5146SV (2) 84

-35-

ad/rj

35/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 programming and treatment provided by the facility. After each
2 licensure inspection of a county care facility, the person who
3 made the inspection shall consult with the county authorities
4 on plans and practices that will improve the care given
5 patients and shall make recommendations to the administrator of
6 the division and the director of public health for coordinating
7 and improving the relationships between the administrators of
8 county care facilities, the administrator of the division, the
9 director of public health, the superintendents of state mental
10 health institutes and resource centers, community mental health
11 centers, and other cooperating agencies, to cause improved
12 and more satisfactory care of patients. A written report of
13 each licensure inspection of a county care facility under this
14 section shall be filed with the administrator of the division
15 and the director of public health and shall include:

16 *a.* The capacity of the institution for the care of
17 residents.

18 *b.* The number, sex, ages, and primary diagnoses of the
19 residents.

20 *c.* The care of residents, their food, clothing, treatment
21 plan, employment, and opportunity for recreational activities
22 and for productive work intended primarily as therapeutic
23 activity.

24 *d.* The number, job classification, sex, duties, and salaries
25 of all employees.

26 *e.* The cost to the state or county of maintaining residents
27 in a county care facility.

28 *f.* The recommendations given to and received from county
29 authorities on methods and practices that will improve the
30 conditions under which the county care facility is operated.

31 *g.* Any failure to comply with standards adopted under
32 section 227.4 for care of persons with mental illness and
33 persons with ~~mental retardation~~ an intellectual disability in
34 county care facilities, which is not covered in information
35 submitted pursuant to paragraphs "a" to "f", and any other

LSB 5146SV (2) 84

-36-

ad/rj

36/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 matters which the director of public health, in consultation
2 with the administrator of the division, may require.

3 2. A copy of the written report prescribed by subsection
4 1 shall be furnished to the county board of supervisors, to
5 the county mental health and ~~mental retardation~~ intellectual
6 disability coordinating board or to its advisory board if
7 the county board of supervisors constitutes ex officio the
8 coordinating board, to the administrator of the county care
9 facility inspected and to its resident advocate committee, and
10 to the department on aging.

11 4. In addition to the licensure inspections required or
12 authorized by this section, the administrator of the division
13 shall cause to be made an evaluation of each person cared for
14 in a county care facility at least once each year by one or
15 more qualified mental health, ~~mental retardation~~ intellectual
16 disability, or medical professionals, whichever is appropriate.

17 a. It is the responsibility of the state to secure the
18 annual evaluation for each person who is on convalescent leave
19 or who has not been discharged from a state mental health
20 institute. It is the responsibility of the county to secure
21 the annual evaluation for all other persons with mental illness
22 in the county care facility.

23 b. It is the responsibility of the state to secure the
24 annual evaluation for each person who is on leave and has
25 not been discharged from a state resource center. It is the
26 responsibility of the county to secure the annual evaluation
27 for all other persons with ~~mental retardation~~ an intellectual
28 disability in the county care facility.

29 c. It is the responsibility of the county to secure an
30 annual evaluation of each resident of a county care facility to
31 whom neither paragraph "a" nor paragraph "b" is applicable.

32 Sec. 78. Section 227.4, Code 2011, is amended to read as
33 follows:

34 227.4 Standards for care of persons with mental illness or
35 ~~mental retardation~~ an intellectual disability in county care

LSB 5146SV (2) 84
ad/rj

37/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 **facilities.**

2 The administrator, in cooperation with the department of
3 inspections and appeals, shall recommend and the mental health
4 and disability services commission created in section 225C.5
5 shall adopt standards for the care of and services to persons
6 with mental illness or ~~mental retardation~~ an intellectual
7 disability residing in county care facilities. The standards
8 shall be enforced by the department of inspections and appeals
9 as a part of the licensure inspection conducted pursuant to
10 chapter 135C. The objective of the standards is to ensure
11 that persons with mental illness or ~~mental retardation~~ an
12 intellectual disability who are residents of county care
13 facilities are not only adequately fed, clothed, and housed,
14 but are also offered reasonable opportunities for productive
15 work and recreational activities suited to their physical and
16 mental abilities and offering both a constructive outlet for
17 their energies and, if possible, therapeutic benefit. When
18 recommending standards under this section, the administrator
19 shall designate an advisory committee representing
20 administrators of county care facilities, county mental health
21 and developmental disabilities regional planning councils, and
22 county care facility resident advocate committees to assist in
23 the establishment of standards.

24 Sec. 79. Section 227.6, Code 2011, is amended to read as
25 follows:

26 **227.6 Removal of residents.**

27 If a county care facility fails to comply with rules and
28 standards adopted under this chapter, the administrator may
29 remove all persons with mental illness and all persons with
30 ~~mental retardation~~ an intellectual disability cared for in the
31 county care facility at public expense, to the proper state
32 mental health institute or resource center, or to some private
33 or county institution or hospital for the care of persons
34 with mental illness or ~~mental retardation~~ an intellectual
35 disability that has complied with the rules prescribed by the

LSB 5146SV (2) 84

-38-

ad/rj

38/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 administrator. Residents being transferred to a state mental
2 health institute or resource center shall be accompanied by an
3 attendant or attendants sent from the institute or resource
4 center. If a resident is transferred under this section,
5 at least one attendant shall be of the same sex. If the
6 administrator finds that the needs of residents with mental
7 illness and residents with ~~mental retardation~~ an intellectual
8 disability of any other county or private institution are not
9 being adequately met, those residents may be removed from that
10 institution upon order of the administrator.

11 Sec. 80. Section 229.1, subsection 9, Code Supplement 2011,
12 is amended to read as follows:

13 9. "*Mental illness*" means every type of mental disease
14 or mental disorder, except that it does not refer to ~~mental~~
15 ~~retardation~~ an intellectual disability as defined in
16 section ~~222.2, subsection 5~~ 4.1, or to insanity, diminished
17 responsibility, or mental incompetency as the terms are defined
18 and used in the Iowa criminal code or in the rules of criminal
19 procedure, Iowa court rules.

20 Sec. 81. Section 229.26, Code 2011, is amended to read as
21 follows:

22 **229.26 Exclusive procedure for involuntary hospitalization.**

23 Sections 229.6 through 229.19 constitute the exclusive
24 procedure for involuntary hospitalization of persons by reason
25 of serious mental impairment in this state, except that this
26 chapter does not negate the provisions of section 904.503
27 relating to transfer of prisoners with mental illness to state
28 hospitals for persons with mental illness and does not apply
29 to commitments of persons under chapter 812 or the rules of
30 criminal procedure, Iowa court rules, or negate the provisions
31 of section 232.51 relating to disposition of children
32 with mental illness or ~~mental retardation~~ an intellectual
33 disability.

34 Sec. 82. Section 230.33, Code 2011, is amended to read as
35 follows:

LSB 5146SV (2) 84
ad/rj

39/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 **230.33 Reciprocal agreements.**

2 The administrator may enter into agreements with other
3 states, through their duly constituted authorities, to effect
4 the reciprocal return of persons with mental illness and
5 persons with ~~mental retardation~~ an intellectual disability
6 to the contracting states, and to effect the reciprocal
7 supervision of persons on convalescent leave.

8 Provided that in the case of a proposed transfer of
9 a person with mental illness or ~~mental retardation~~ an
10 intellectual disability from this state that no final action
11 be taken without the approval either of the commission of
12 hospitalization, or of the district court, of the county of
13 admission or commitment.

14 Sec. 83. Section 231.4, subsection 1, paragraph m, Code
15 Supplement 2011, is amended to read as follows:

16 *m.* "Resident" means a resident or tenant of a long-term
17 care facility, assisted living program, or elder group home,
18 excluding facilities licensed primarily to serve persons
19 with ~~mental retardation~~ an intellectual disability or mental
20 illness.

21 Sec. 84. Section 231.42, subsection 2, paragraph a, Code
22 Supplement 2011, is amended to read as follows:

23 *a.* Establish and implement a statewide confidential
24 uniform reporting system for receiving, analyzing, referring,
25 investigating, and resolving complaints about administrative
26 actions and the health, safety, welfare, and rights of
27 residents or tenants of long-term care facilities, assisted
28 living programs, and elder group homes, excluding facilities
29 licensed primarily to serve persons with ~~mental retardation~~ an
30 intellectual disability or mental illness.

31 Sec. 85. Section 232.51, subsection 2, Code Supplement
32 Supplement 2011, is amended to read as follows:

33 2. If the evidence received at an adjudicatory or a
34 dispositional hearing indicates that the child ~~is mentally~~
35 ~~retarded~~ has an intellectual disability, the court may direct

LSB 5146SV (2) 84
ad/rj

40/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 the juvenile court officer or the department to initiate
2 proceedings or to assist the child's parent or guardian to
3 initiate civil commitment proceedings in the juvenile court and
4 such proceedings shall adhere to the requirements of chapter
5 222.

6 Sec. 86. Section 232.51, subsection 3, paragraph a, Code
7 Supplement 2011, is amended to read as follows:

8 a. If prior to the adjudicatory or dispositional hearing
9 on the pending delinquency petition, the child is committed
10 as a child with a mental illness or ~~mental retardation~~ an
11 intellectual disability and is ordered into a residential
12 facility, institution, or hospital for inpatient treatment,
13 the delinquency proceeding shall be suspended until such time
14 as the juvenile court either terminates the civil commitment
15 order or the child is released from the residential facility,
16 institution, or hospital for purposes of receiving outpatient
17 treatment.

18 Sec. 87. Section 232.175, Code 2011, is amended to read as
19 follows:

20 **232.175 Placement oversight.**

21 Placement oversight shall be provided pursuant to this
22 division when the parent, guardian, or custodian of a child
23 with ~~mental retardation~~ an intellectual disability or other
24 developmental disability requests placement of the child
25 in foster family care for a period of more than thirty
26 days. The oversight shall be provided through review of the
27 placement every six months by the department's foster care
28 review committees or by a local citizen foster care review
29 board. Court oversight shall be provided prior to the initial
30 placement and at periodic intervals which shall not exceed
31 twelve months. It is the purpose and policy of this division
32 to ~~assure~~ ensure the existence of oversight safeguards as
33 required by the federal Child Welfare Act of 1980, Pub. L. No.
34 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B),
35 and 675(1),(5), while maintaining parental decision-making

LSB 5146SV (2) 84

-41-

ad/rj

41/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 authority.

2 Sec. 88. Section 232.178, subsection 4, Code 2011, is
3 amended to read as follows:

4 4. The petition shall describe the child's emotional,
5 physical, or intellectual disability which requires care and
6 treatment; the reasonable efforts to maintain the child in
7 the child's home; the department's request to the family of
8 a child with ~~mental retardation~~ an intellectual disability,
9 other developmental disability, or organic mental illness to
10 determine if any services or support provided to the family
11 will enable the family to continue to care for the child in the
12 child's home; and the reason the child's parent, guardian, or
13 custodian has requested a foster family care placement. The
14 petition shall also describe the commitment of the parent,
15 guardian, or custodian in fulfilling the responsibilities
16 defined in the case permanency plan and how the placement will
17 serve the child's best interests.

18 Sec. 89. Section 232.182, subsection 5, paragraph a,
19 subparagraph (4), Code 2011, is amended to read as follows:

20 (4) A determination that services or support provided to
21 the family of a child with ~~mental retardation~~ an intellectual
22 disability, other developmental disability, or organic mental
23 illness will not enable the family to continue to care for the
24 child in the child's home.

25 Sec. 90. Section 233A.14, Code 2011, is amended to read as
26 follows:

27 **233A.14 Transfers to other institutions.**

28 The administrator may transfer to the schools minor wards of
29 the state from any institution under the administrator's charge
30 but no person shall be so transferred who is mentally ill or
31 ~~mentally retarded~~ has an intellectual disability. Any child
32 in the schools who is mentally ill or ~~mentally retarded~~ has an
33 intellectual disability may be transferred by the administrator
34 to the proper state institution.

35 Sec. 91. Section 233B.5, Code 2011, is amended to read as

LSB 5146SV (2) 84

-42-

ad/rj

42/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 follows:

2 **233B.5 Transfers.**

3 The administrator may transfer to the home minor wards of the
4 state from any institution under the administrator's charge or
5 under the charge of any other administrator of the department
6 of human services; but no person shall be so transferred who
7 is a person with mental illness or ~~mental retardation~~ an
8 intellectual disability, or who is incorrigible, or has any
9 vicious habits, or whose presence in the home would be inimical
10 to the moral or physical welfare of the other children within
11 the home, and any such child in the home may be transferred to
12 the proper state institution.

13 Sec. 92. Section 234.6, subsection 6, paragraph f, Code
14 2011, is amended to read as follows:

15 *f.* Services or support provided to a child with ~~mental~~
16 ~~retardation~~ an intellectual disability or other developmental
17 disability or to the child's family.

18 Sec. 93. Section 235.1, subsection 3, Code 2011, is amended
19 to read as follows:

20 3. "*Child welfare services*" means social welfare services
21 for the protection and care of children who are homeless,
22 dependent or neglected, or in danger of becoming delinquent, or
23 who have a mental illness or ~~mental retardation~~ an intellectual
24 disability or other developmental disability, including, when
25 necessary, care and maintenance in a foster care facility.
26 Child welfare services are designed to serve a child in the
27 child's home whenever possible. If not possible, and the child
28 is placed outside the child's home, the placement should be in
29 the least restrictive setting available and in close proximity
30 to the child's home.

31 Sec. 94. Section 235A.15, subsection 2, paragraph c,
32 subparagraph (9), Code Supplement 2011, is amended to read as
33 follows:

34 (9) To the administrator of an agency providing mental
35 health, ~~mental retardation~~ intellectual disability, or

LSB 5146SV (2) 84
ad/rj

43/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 developmental disability services under a county management
2 plan developed pursuant to section 331.439, if the data
3 concerns a person employed by or being considered by the agency
4 for employment.

5 Sec. 95. Section 235B.6, subsection 2, paragraph c,
6 subparagraph (6), Code Supplement 2011, is amended to read as
7 follows:

8 (6) To the administrator of an agency providing mental
9 health, ~~mental-retardation~~ intellectual disability, or
10 developmental disability services under a county management
11 plan developed pursuant to section 331.439, if the information
12 concerns a person employed by or being considered by the agency
13 for employment.

14 Sec. 96. Section 249A.2, subsection 4, Code 2011, is amended
15 to read as follows:

16 4. "*Discretionary medical assistance*" means medical
17 assistance or additional medical assistance provided to
18 individuals whose income and resources are in excess of
19 eligibility limitations but are insufficient to meet all of the
20 costs of necessary medical care and services, provided that if
21 the assistance includes services in institutions for mental
22 diseases or intermediate care facilities for persons with
23 ~~mental-retardation~~ an intellectual disability, or both, for any
24 group of such individuals, the assistance also includes for
25 all covered groups of such individuals at least the care and
26 services enumerated in Tit. XIX of the federal Social Security
27 Act, section 1905(a), paragraphs (1) through (5), and (17),
28 as codified in 42 U.S.C. § 1396d(a), pars. (1) through (5),
29 and (17), or any seven of the care and services enumerated in
30 Tit. XIX of the federal Social Security Act, section 1905(a),
31 paragraphs (1) through (7) and (9) through (18), as codified in
32 42 U.S.C. § 1396d(a), pars. (1) through (7), and (9) through
33 (18).

34 Sec. 97. Section 249A.5, subsection 2, unnumbered paragraph
35 1, Code 2011, is amended to read as follows:

LSB 5146SV (2) 84

-44-

ad/rj

44/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 The provision of medical assistance to an individual who
2 is fifty-five years of age or older, or who is a resident of
3 a nursing facility, intermediate care facility for persons
4 with ~~mental retardation~~ an intellectual disability, or mental
5 health institute, who cannot reasonably be expected to be
6 discharged and return to the individual's home, creates a
7 debt due the department from the individual's estate for all
8 medical assistance provided on the individual's behalf, upon
9 the individual's death.

10 Sec. 98. Section 249A.5, subsection 2, paragraph f,
11 subparagraph (1), Code 2011, is amended to read as follows:

12 (1) If a debt is due under this subsection from the estate
13 of a recipient, the administrator of the nursing facility,
14 intermediate care facility for persons with ~~mental retardation~~
15 an intellectual disability, or mental health institute in which
16 the recipient resided at the time of the recipient's death, and
17 the personal representative of the recipient, if applicable,
18 shall report the death to the department within ten days of the
19 death of the recipient.

20 Sec. 99. Section 249A.12, subsection 1, Code 2011, is
21 amended to read as follows:

22 1. Assistance may be furnished under this chapter to an
23 otherwise eligible recipient who is a resident of a health
24 care facility licensed under chapter 135C and certified as an
25 intermediate care facility for persons with ~~mental retardation~~
26 an intellectual disability.

27 Sec. 100. Section 249A.12, subsection 4, paragraphs a and c,
28 Code 2011, are amended to read as follows:

29 a. Effective July 1, 1995, the state shall be responsible
30 for all of the nonfederal share of the costs of intermediate
31 care facility for persons with ~~mental retardation~~ an
32 intellectual disability services provided under medical
33 assistance to minors. Notwithstanding subsection 2 and
34 contrary provisions of section 222.73, effective July 1, 1995,
35 a county is not required to reimburse the department and shall

LSB 5146SV (2) 84

-45-

ad/rj

45/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 not be billed for the nonfederal share of the costs of such
2 services provided to minors.

3 c. Effective February 1, 2002, the state shall be
4 responsible for all of the nonfederal share of the costs of
5 intermediate care facility for persons with ~~mental retardation~~
6 an intellectual disability services provided under medical
7 assistance attributable to the assessment fee for intermediate
8 care facilities for individuals with ~~mental retardation~~ an
9 intellectual disability imposed pursuant to section 249A.21.
10 Notwithstanding subsection 2, effective February 1, 2003, a
11 county is not required to reimburse the department and shall
12 not be billed for the nonfederal share of the costs of such
13 services attributable to the assessment fee.

14 Sec. 101. Section 249A.12, subsection 5, Code 2011, is
15 amended to read as follows:

16 5. a. The mental health and disability services commission
17 shall recommend to the department the actions necessary to
18 assist in the transition of individuals being served in an
19 intermediate care facility for persons with ~~mental retardation~~
20 an intellectual disability, who are appropriate for the
21 transition, to services funded under a medical assistance
22 home and community-based services waiver for persons with
23 an intellectual disabilities disability in a manner which
24 maximizes the use of existing public and private facilities.
25 The actions may include but are not limited to submitting any
26 of the following or a combination of any of the following as
27 a request for a revision of the medical assistance home and
28 community-based services waiver for persons with intellectual
29 disabilities:

30 (1) Allow for the transition of intermediate care
31 facilities for persons with ~~mental retardation~~ an intellectual
32 disability licensed under chapter 135C, to services funded
33 under the medical assistance home and community-based
34 services waiver for persons with an intellectual disabilities
35 disability. The request shall be for inclusion of additional

LSB 5146SV (2) 84
ad/rj

46/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 persons under the waiver associated with the transition.

2 (2) Allow for reimbursement under the waiver for day program
3 or other service costs.

4 (3) Allow for exception provisions in which an intermediate
5 care facility for persons with ~~mental retardation~~ an
6 intellectual disability which does not meet size and other
7 facility-related requirements under the waiver in effect on
8 June 30, 1996, may convert to a waiver service for a set period
9 of time such as five years. Following the set period of time,
10 the facility would be subject to the waiver requirements
11 applicable to services which were not operating under the
12 exception provisions.

13 b. In implementing the provisions of this subsection, the
14 mental health and disability services commission shall consult
15 with other states. The waiver revision request or other action
16 necessary to assist in the transition of service provision
17 from intermediate care facilities for persons with ~~mental~~
18 ~~retardation~~ an intellectual disability to alternative programs
19 shall be implemented by the department in a manner that can
20 appropriately meet the needs of individuals at an overall
21 lower cost to counties, the federal government, and the state.
22 In addition, the department shall take into consideration
23 significant federal changes to the medical assistance program
24 in formulating the department's actions under this subsection.
25 The department shall consult with the mental health and
26 disability services commission in adopting rules for oversight
27 of facilities converted pursuant to this subsection. A
28 transition approach described in paragraph "a" may be modified
29 as necessary to obtain federal waiver approval.

30 Sec. 102. Section 249A.12, subsection 6, paragraphs a and d,
31 Code 2011, are amended to read as follows:

32 a. The provisions of the home and community-based services
33 waiver for persons with an intellectual disabilities disability
34 shall include adult day care, prevocational, and transportation
35 services. Transportation shall be included as a separately

LSB 5146SV (2) 84
ad/rj

47/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 payable service.

2 d. The county of legal settlement shall pay for one hundred
3 percent of the nonfederal share of the costs of care provided
4 for adults which is reimbursed under a home and community-based
5 services waiver that would otherwise be approved for provision
6 in an intermediate care facility for persons with ~~mental~~
7 ~~retardation~~ an intellectual disability provided under the
8 medical assistance program.

9 Sec. 103. Section 249A.12, subsections 7 and 8, Code 2011,
10 are amended to read as follows:

11 7. When paying the necessary and legal expenses for
12 intermediate care facility for persons with ~~mental retardation~~
13 an intellectual disability services, the cost requirements of
14 section 222.60 shall be considered fulfilled when payment is
15 made in accordance with the medical assistance payment rates
16 established by the department for intermediate care facilities
17 for persons with ~~mental retardation~~ an intellectual disability,
18 and the state or a county of legal settlement shall not be
19 obligated for any amount in excess of the rates.

20 8. If a person with ~~mental retardation~~ an intellectual
21 disability has no legal settlement or the legal settlement is
22 unknown so that the person is deemed to be a state case and
23 services associated with the ~~mental retardation~~ intellectual
24 disability can be covered under a medical assistance home and
25 community-based services waiver or other medical assistance
26 program provision, the nonfederal share of the medical
27 assistance program costs for such coverage shall be paid from
28 the appropriation made for the medical assistance program.

29 Sec. 104. Section 249A.21, subsections 1 and 6, Code 2011,
30 are amended to read as follows:

31 1. The department may assess intermediate care facilities
32 for persons with ~~mental retardation~~ an intellectual disability,
33 as defined in section 135C.1, a fee in an amount not to exceed
34 six percent of the total annual revenue of the facility for the
35 preceding fiscal year.

LSB 5146SV (2) 84
ad/rj

48/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 6. The department may adopt administrative rules under
2 section 17A.4, subsection 3, and section 17A.5, subsection 2,
3 paragraph "b", to implement this section, and any fee assessed
4 pursuant to this section against an intermediate care facility
5 for persons with ~~mental retardation~~ an intellectual disability
6 that is operated by the state may be made retroactive to
7 October 1, 2003.

8 Sec. 105. Section 249A.26, subsection 2, paragraph a, Code
9 2011, is amended to read as follows:

10 a. Except as provided for disallowed costs in section
11 249A.27, the county of legal settlement shall pay for fifty
12 percent of the nonfederal share of the cost and the state
13 shall have responsibility for the remaining fifty percent of
14 the nonfederal share of the cost of case management provided
15 to adults, day treatment, and partial hospitalization provided
16 under the medical assistance program for persons with ~~mental~~
17 ~~retardation~~ an intellectual disability, a developmental
18 disability, or chronic mental illness. For purposes of
19 this section, persons with mental disorders resulting from
20 Alzheimer's disease or substance abuse shall not be considered
21 chronically mentally ill. To the maximum extent allowed under
22 federal law and regulations, the department shall consult with
23 and inform a county of legal settlement's central point of
24 coordination process, as defined in section 331.440, regarding
25 the necessity for and the provision of any service for which
26 the county is required to provide reimbursement under this
27 subsection.

28 Sec. 106. Section 249A.26, subsections 3, 7, and 9, Code
29 2011, are amended to read as follows:

30 3. To the maximum extent allowed under federal law and
31 regulations, a person with mental illness or ~~mental retardation~~
32 an intellectual disability shall not be eligible for any
33 service which is funded in whole or in part by a county share of
34 the nonfederal portion of medical assistance funds unless the
35 person is referred through the central point of coordination

LSB 5146SV (2) 84

-49-

ad/rj

49/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 process, as defined in section 331.440. However, to the
2 extent federal law allows referral of a medical assistance
3 recipient to a service without approval of the central point of
4 coordination process, the county of legal settlement shall be
5 billed for the nonfederal share of costs for any adult person
6 for whom the county would otherwise be responsible.

7 7. Unless a county has paid or is paying for the nonfederal
8 share of the costs of a person's home and community-based
9 waiver services or placement in an intermediate care
10 facility for persons with ~~mental-retardation~~ an intellectual
11 disability under the county's mental health, ~~mental-retardation~~
12 intellectual disability, and developmental disabilities
13 services fund, or unless a county of legal settlement would
14 become liable for the costs of services for a person at the
15 level of care provided in an intermediate care facility for
16 persons with ~~mental-retardation~~ an intellectual disability due
17 to the person reaching the age of majority, the state shall pay
18 for the nonfederal share of the costs of an eligible person's
19 services under the home and community-based services waiver for
20 persons with brain injury.

21 9. Notwithstanding section 8.39, the department may
22 transfer funds appropriated for the medical assistance program
23 to a separate account established in the department's case
24 management unit in an amount necessary to pay for expenditures
25 required to provide case management for mental health,
26 ~~mental-retardation~~ intellectual disability, and developmental
27 disabilities services under the medical assistance program
28 which are jointly funded by the state and county, pending final
29 settlement of the expenditures. Funds received by the case
30 management unit in settlement of the expenditures shall be used
31 to replace the transferred funds and are available for the
32 purposes for which the funds were originally appropriated.

33 Sec. 107. Section 249A.30A, Code Supplement 2011, is
34 amended to read as follows:

35 **249A.30A Medical assistance — personal needs allowance.**

LSB 5146SV (2) 84
ad/rj

50/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 The personal needs allowance under the medical assistance
2 program, which may be retained by a person who is a resident of
3 a nursing facility, an intermediate care facility for persons
4 with ~~mental retardation~~ an intellectual disability, or an
5 intermediate care facility for persons with mental illness, as
6 defined in section 135C.1, or a person who is a resident of
7 a psychiatric medical institution for children as defined in
8 section 135H.1, shall be fifty dollars per month. A resident
9 who has income of less than fifty dollars per month shall
10 receive a supplement from the state in the amount necessary to
11 receive a personal needs allowance of fifty dollars per month,
12 if funding is specifically appropriated for this purpose.

13 Sec. 108. Section 249A.31, subsection 1, Code 2011, is
14 amended to read as follows:

15 1. Providers of individual case management services for
16 persons with ~~mental retardation~~ an intellectual disability,
17 a developmental disability, or chronic mental illness shall
18 receive cost-based reimbursement for one hundred percent of
19 the reasonable costs for the provision of the services in
20 accordance with standards adopted by the mental health and
21 disability services commission pursuant to section 225C.6.

22 Sec. 109. Section 252.16, subsection 6, paragraph c, Code
23 2011, is amended to read as follows:

24 c. A blind person who is an inpatient or resident of, is
25 supported by, or is receiving treatment or support services
26 from a state resource center created under chapter 222, a state
27 mental health institute created under chapter 226, the Iowa
28 braille and sight saving school administered by the state board
29 of regents, or any community-based provider of treatment or
30 services for ~~mental retardation~~ an intellectual disability,
31 developmental disabilities, mental health, or substance abuse,
32 does not acquire legal settlement in the county in which the
33 institution, facility, or provider is located, unless the blind
34 person has resided in the county in which the institution,
35 facility, or provider is located for a period of six months

LSB 5146SV (2) 84

-51-

ad/rj

51/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 prior to the date of commencement of receipt of assistance
2 under the laws of this state or for a period of six months
3 subsequent to the date of termination of assistance under the
4 laws of this state.

5 Sec. 110. Section 252.16, subsection 8, Code 2011, is
6 amended to read as follows:

7 8. A person receiving treatment or support services from
8 any provider, whether organized for pecuniary profit or not or
9 whether supported by charitable or public or private funds,
10 that provides treatment or services for ~~mental-retardation~~
11 intellectual disability, developmental disabilities, mental
12 health, brain injury, or substance abuse does not acquire legal
13 settlement in a county unless the person continuously resides
14 in that county for one year from the date of the last treatment
15 or support service received by the person.

16 Sec. 111. Section 262.70, Code 2011, is amended to read as
17 follows:

18 **262.70 Education, prevention, and research programs in mental**
19 **health and disability services.**

20 The division of mental health and disability services of
21 the department of human services may contract with the board
22 of regents or any institution under the board's jurisdiction
23 to establish and maintain programs of education, prevention,
24 and research in the fields of mental health, ~~mental-retardation~~
25 intellectual disability, developmental disabilities, and
26 brain injury. The board may delegate responsibility for these
27 programs to the state psychiatric hospital, the university
28 hospital, or any other appropriate entity under the board's
29 jurisdiction.

30 Sec. 112. Section 263.11, subsection 2, Code 2011, is
31 amended to read as follows:

32 2. Persons who are not eligible for admission to the schools
33 already established for persons with ~~mental-retardation~~ an
34 intellectual disability or epilepsy or persons who are deaf or
35 blind.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Sec. 113. Section 331.381, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. Comply with chapter 222, including but not limited to
4 sections 222.13, 222.14, and 222.59 to 222.82, in regard to
5 the care of persons with ~~mental retardation~~ an intellectual
6 disability.

7 Sec. 114. Section 331.424A, subsections 1, 2, and 5, Code
8 Supplement 2011, are amended to read as follows:

9 1. For the purposes of this chapter, unless the context
10 otherwise requires, "*services fund*" means the county mental
11 health, ~~mental retardation~~ intellectual disability, and
12 developmental disabilities services fund created in subsection

13 2. The county finance committee created in section 333A.2
14 shall consult with the state commission in adopting rules and
15 prescribing forms for administering the services fund.

16 2. For the fiscal year beginning July 1, 1996, and
17 succeeding fiscal years, county revenues from taxes and other
18 sources designated for mental health, ~~mental retardation~~
19 intellectual disability, and developmental disabilities
20 services shall be credited to the mental health, ~~mental~~
21 ~~retardation~~ intellectual disability, and developmental
22 disabilities services fund of the county. The board shall make
23 appropriations from the fund for payment of services provided
24 under the county management plan approved pursuant to section
25 331.439. The county may pay for the services in cooperation
26 with other counties by pooling appropriations from the fund
27 with other counties or through county regional entities
28 including but not limited to the county's mental health and
29 developmental disabilities regional planning council created
30 pursuant to section 225C.18.

31 5. Appropriations specifically authorized to be made from
32 the mental health, ~~mental retardation~~ intellectual disability,
33 and developmental disabilities services fund shall not be made
34 from any other fund of the county.

35 Sec. 115. Section 331.432, subsection 3, Code Supplement

LSB 5146SV (2) 84
ad/rj

53/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 2011, is amended to read as follows:

2 3. Except as authorized in section 331.477, transfers of
3 moneys between the county mental health, ~~mental retardation~~
4 intellectual disability, and developmental disabilities
5 services fund and any other fund are prohibited.

6 Sec. 116. Section 331.438, subsection 1, paragraphs a and b,
7 Code Supplement 2011, are amended to read as follows:

8 a. "*Base year expenditures*" means the amount selected by a
9 county and reported to the county finance committee pursuant
10 to this paragraph. The amount selected shall be equal to the
11 amount of net expenditures made by the county for qualified
12 mental health, ~~mental retardation~~ intellectual disability, and
13 developmental disabilities services provided in one of the
14 following:

15 (1) The actual amount reported to the state on October 15,
16 1994, for the fiscal year beginning July 1, 1993.

17 (2) The net expenditure amount contained in the county's
18 final budget certified in accordance with chapter 24 for the
19 fiscal year beginning July 1, 1995, and reported to the county
20 finance committee.

21 b. "*Qualified mental health, ~~mental retardation~~ intellectual*
22 *disability, and developmental disabilities services*" means the
23 services specified in the rules adopted by the state commission
24 for administering the services fund, pursuant to section
25 331.424A.

26 Sec. 117. Section 331.438, subsection 4, paragraph a, Code
27 Supplement 2011, is amended to read as follows:

28 a. The state commission shall make recommendations and take
29 actions for joint state and county planning, implementing,
30 and funding of mental health, ~~mental retardation~~ intellectual
31 disability or other developmental disabilities, and brain
32 injury services, including but not limited to developing and
33 implementing fiscal and accountability controls, establishing
34 management plans, and ensuring that eligible persons have
35 access to appropriate and cost-effective services.

LSB 5146SV (2) 84

-54-

ad/rj

54/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Sec. 118. Section 331.438, subsection 4, paragraph b,
2 subparagraph (6), Code Supplement 2011, is amended to read as
3 follows:

4 (6) Consider recommendations for measuring and improving
5 the quality of state and county mental health, ~~mental~~
6 ~~retardation~~ intellectual disability, and developmental
7 disabilities services and other support.

8 Sec. 119. Section 331.439, subsection 1, paragraphs a, b,
9 and f, Code Supplement 2011, are amended to read as follows:

10 a. The county accurately reported by December 1 the county's
11 expenditures for mental health, ~~mental-retardation~~ intellectual
12 disability, and developmental disabilities services and the
13 information required under section 225C.6A, subsection 3,
14 paragraph "c", for the previous fiscal year in accordance with
15 rules adopted by the state commission. If the department
16 determines good cause exists, the department may extend a
17 deadline otherwise imposed under this chapter, chapter 225C, or
18 chapter 426B for a county's reporting concerning mental health,
19 ~~mental-retardation~~ intellectual disability, or developmental
20 disabilities services or related revenues and expenditures.

21 b. The county developed and implemented a county management
22 plan for the county's mental health, ~~mental-retardation~~
23 intellectual disability, and developmental disabilities
24 services system in accordance with the provisions of this
25 paragraph "b". The plan shall comply with the administrative
26 rules adopted for this purpose by the state commission and is
27 subject to the approval of the director of human services in
28 consultation with the state commission. The plan shall include
29 a description of the county's service management provision for
30 mental health, ~~mental-retardation~~ intellectual disability, and
31 developmental disabilities services. For ~~mental-retardation~~
32 intellectual disability and developmental disabilities service
33 management, the plan shall describe the county's development
34 and implementation of a system of cost-effective individualized
35 services and shall comply with the provisions of paragraph

LSB 5146SV (2) 84

-55-

ad/rj

55/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 "f". The goal of this part of the plan shall be to assist
2 the individuals served to be as independent, productive,
3 and integrated into the community as possible. The service
4 management provisions for mental health shall comply with the
5 provisions of paragraph "e". A county is subject to all of the
6 following provisions in regard to the county's services system
7 management plan and planning process:

8 (1) The county shall have in effect an approved policies and
9 procedures manual for the county's services fund. The county
10 management plan shall be defined in the manual. The manual
11 submitted by the county as part of the county's management plan
12 for the fiscal year beginning July 1, 2000, as approved by the
13 director of human services, shall remain in effect, subject to
14 amendment. An amendment to the manual shall be submitted to
15 the department of human services at least forty-five days prior
16 to the date of implementation. Prior to implementation of any
17 amendment to the manual, the amendment must be approved by
18 the director of human services in consultation with the state
19 commission.

20 (2) For informational purposes, the county shall submit a
21 management plan review to the department of human services by
22 December 1 of each year. The annual review shall incorporate
23 an analysis of the data associated with the services system
24 managed during the preceding fiscal year by the county or by
25 a private entity on behalf of the county. The annual review
26 shall also identify measurable outcomes and results showing
27 the county's progress in fulfilling the purposes listed
28 in paragraph "c", and in achieving the disability services
29 outcomes and indicators identified by the commission pursuant
30 to section 225C.6.

31 (3) For informational purposes, every three years the
32 county shall submit to the department of human services
33 a three-year strategic plan. The strategic plan shall
34 describe how the county will proceed to attain the plan's
35 goals and objectives, and the measurable outcomes and results

LSB 5146SV (2) 84
ad/rj

56/67

-56-



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 necessary for moving the county's services system toward
2 an individualized, community-based focus in accordance
3 with paragraph "c". The three-year strategic plan shall be
4 submitted by April 1, 2000, and by April 1 of every third year
5 thereafter.

6 f. For ~~mental-retardation~~ intellectual disability and
7 developmental disabilities services management, the county must
8 either develop and implement a system of care which addresses a
9 full array of appropriate services and cost-effective delivery
10 of services by contracting directly with service providers
11 or by contracting with a state-approved private entity to
12 manage the county services system. The county services system
13 shall incorporate a central point of coordination and clinical
14 assessment process developed in accordance with the provisions
15 of section 331.440. The elements of a county services system
16 shall be specified in rules developed by the department of
17 human services in consultation with and adopted by the state
18 commission.

19 Sec. 120. Section 331.439, subsection 3, paragraph a, Code
20 Supplement 2011, is amended to read as follows:

21 a. For the fiscal year beginning July 1, 1996, and
22 succeeding fiscal years, the county's mental health, ~~mental~~
23 ~~retardation~~ intellectual disability, and developmental
24 disabilities service expenditures for a fiscal year are limited
25 to a fixed budget amount. The fixed budget amount shall be
26 the amount identified in the county's management plan and
27 budget for the fiscal year. The county shall be authorized an
28 allowed growth factor adjustment as established by statute for
29 services paid from the county's services fund under section
30 331.424A which is in accordance with the county's management
31 plan and budget, implemented pursuant to this section. The
32 statute establishing the allowed growth factor adjustment shall
33 establish the adjustment for the fiscal year which commences
34 two years from the beginning date of the fiscal year in
35 progress at the time the statute is enacted.

LSB 5146SV (2) 84
ad/rj

57/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Sec. 121. Section 331.439, subsection 6, Code Supplement
2 2011, is amended to read as follows:

3 6. The director's approval of a county's mental health,
4 ~~mental-retardation~~ intellectual disability, and developmental
5 disabilities services management plan shall not be construed to
6 constitute certification of the county's budget.

7 Sec. 122. Section 331.440, subsection 1, paragraphs a and b,
8 Code Supplement 2011, are amended to read as follows:

9 a. For the purposes of this section, unless the context
10 otherwise requires, "*central point of coordination process*"
11 means a central point of coordination process established
12 by a county or consortium of counties for the delivery of
13 mental health, ~~mental-retardation~~ intellectual disability, and
14 developmental disabilities services which are paid for in whole
15 or in part by county funds. The central point of coordination
16 process may include but is not limited to reviewing a person's
17 eligibility for services, determining the appropriateness of
18 the type, level, and duration of services, and performing
19 periodic review of the person's continuing eligibility and
20 need for services. Any recommendations developed concerning
21 a person's plan of services shall be consistent with the
22 person's unique strengths, circumstances, priorities, concerns,
23 abilities, and capabilities. For those services funded
24 under the medical assistance program, the central point of
25 coordination process shall be used to ~~assure~~ ensure that the
26 person is aware of the appropriate service options available
27 to the person.

28 b. The central point of coordination process may include
29 a clinical assessment process to identify a person's service
30 needs and to make recommendations regarding the person's plan
31 for services. The clinical assessment process shall utilize
32 qualified mental health professionals and qualified ~~mental~~
33 ~~retardation~~ intellectual disability professionals.

34 Sec. 123. Section 331.440, subsection 2, paragraph d, Code
35 Supplement 2011, is amended to read as follows:

LSB 5146SV (2) 84
ad/rj

58/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 *d. "State case services and other support"* means the mental
2 health, ~~mental-retardation~~ intellectual disability, and
3 developmental disabilities services and other support paid for
4 under the rules and requirements in effect prior to October 1,
5 2006, from the annual appropriation made to the department of
6 human services for such services and other support provided
7 to persons who have no established county of legal settlement
8 or the legal settlement is unknown so that the person is
9 deemed to be a state case. Such services and other support do
10 not include medical assistance program services or services
11 provided in a state institution.

12 Sec. 124. Section 331.502, subsection 11, Code 2011, is
13 amended to read as follows:

14 11. Carry out duties relating to the determination of legal
15 settlement, collection of funds due the county, and support of
16 persons with ~~mental-retardation~~ an intellectual disability as
17 provided in sections 222.13, 222.50, 222.61 to 222.66, 222.69,
18 and 222.74.

19 Sec. 125. Section 331.756, subsections 42 and 43, Code
20 Supplement 2011, are amended to read as follows:

21 42. Carry out duties relating to the commitment of a person
22 with ~~mental-retardation~~ an intellectual disability as provided
23 in section 222.18.

24 43. Proceed to collect, as requested by the county,
25 the reasonable costs for the care, treatment, training,
26 instruction, and support of a person with ~~mental-retardation~~
27 an intellectual disability from parents or other persons who
28 are legally liable for the support of the person with ~~mental-~~
29 ~~retardation~~ an intellectual disability as provided in section
30 222.82.

31 Sec. 126. Section 335.25, subsection 2, paragraph b,
32 subparagraphs (1) and (2), Code 2011, are amended to read as
33 follows:

34 (1) Attributable to ~~mental-retardation~~ an intellectual
35 disability, cerebral palsy, epilepsy, or autism.

LSB 5146SV (2) 84
ad/rj

59/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 (2) Attributable to any other condition found to be closely
2 related to ~~mental-retardation~~ an intellectual disability
3 because the condition results in impairment of general
4 intellectual functioning or adaptive behavior similar to that
5 of persons with ~~mental-retardation~~ an intellectual disability
6 or requires treatment and services similar to those required
7 for the persons.

8 Sec. 127. Section 347.9A, subsection 3, Code 2011, is
9 amended to read as follows:

10 3. This section does not prohibit a licensed health
11 care practitioner from serving as a hospital trustee if the
12 practitioner's sole use of the county hospital is to provide
13 health care service to an individual with ~~mental-retardation~~ an
14 intellectual disability as defined in section ~~222.2~~ 4.1.

15 Sec. 128. Section 414.22, subsection 2, paragraph b,
16 subparagraphs (1) and (2), Code 2011, are amended to read as
17 follows:

18 (1) Attributable to ~~mental-retardation~~ an intellectual
19 disability, cerebral palsy, epilepsy, or autism.

20 (2) Attributable to any other condition found to be closely
21 related to ~~mental-retardation~~ an intellectual disability
22 because the condition results in impairment of general
23 intellectual functioning or adaptive behavior similar to that
24 of persons with ~~mental-retardation~~ an intellectual disability
25 or requires treatment and services similar to those required
26 for the persons.

27 Sec. 129. Section 422.7, subsection 12, paragraph c,
28 subparagraph (1), Code Supplement 2011, is amended to read as
29 follows:

30 (1) "*Physical or mental impairment*" means any physiological
31 disorder or condition, cosmetic disfigurement, or anatomical
32 loss affecting one or more of the body systems or any mental
33 or psychological disorder, including ~~mental-retardation~~
34 intellectual disability, organic brain syndrome, emotional or
35 mental illness, and specific learning disabilities.

LSB 5146SV (2) 84
ad/rj

60/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 Sec. 130. Section 422.35, subsection 6, paragraph c,
2 subparagraph (1), Code Supplement 2011, is amended to read as
3 follows:

4 (1) "*Physical or mental impairment*" means any physiological
5 disorder or condition, cosmetic disfigurement, or anatomical
6 loss affecting one or more of the body systems or any mental
7 or psychological disorder, including ~~mental retardation~~
8 intellectual disability, organic brain syndrome, emotional or
9 mental illness, and specific learning disabilities.

10 Sec. 131. Section 423.3, subsection 18, paragraphs a and c,
11 Code Supplement 2011, are amended to read as follows:

12 a. Residential care facilities and intermediate care
13 facilities for persons with ~~mental retardation~~ an intellectual
14 disability and residential care facilities for persons with
15 mental illness licensed by the department of inspections and
16 appeals under chapter 135C.

17 c. Rehabilitation facilities that provide accredited
18 rehabilitation services to persons with disabilities which are
19 accredited by the commission on accreditation of rehabilitation
20 facilities or the accreditation council for services for
21 persons with ~~mental retardation~~ an intellectual disability
22 and other persons with developmental disabilities and adult
23 day care services approved for reimbursement by the state
24 department of human services.

25 Sec. 132. Section 426B.2, subsection 3, paragraph b, Code
26 2011, is amended to read as follows:

27 b. Any replacement generation tax in the property tax relief
28 fund as of May 1 shall be paid to the county treasurers in July
29 and January of the fiscal year beginning the following July 1.
30 The department of management shall determine the amount each
31 county will be paid pursuant to this lettered paragraph for
32 the following fiscal year. The department shall reduce by the
33 determined amount the amount of each county's certified budget
34 to be raised by property tax for that fiscal year which is to
35 be expended for mental health, ~~mental retardation~~ intellectual

LSB 5146SV (2) 84

-61-

ad/rj

61/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 disability, and developmental disabilities services and
2 shall revise the rate of taxation as necessary to raise the
3 reduced amount. The department of management shall report
4 the reduction in the certified budget and the revised rate of
5 taxation to the county auditors by June 15.

6 Sec. 133. Section 426B.3, subsection 1, Code 2011, is
7 amended to read as follows:

8 1. The county auditor shall reduce the certified budget
9 amount received from the board of supervisors for the
10 succeeding fiscal year for the county mental health, ~~mental~~
11 ~~retardation~~ intellectual disability, and developmental
12 disabilities services fund created in section 331.424A by an
13 amount equal to the amount the county will receive from the
14 property tax relief fund pursuant to section 426B.2, for the
15 succeeding fiscal year and the auditor shall determine the rate
16 of taxation necessary to raise the reduced amount. On the tax
17 list, the county auditor shall compute the amount of taxes due
18 and payable on each parcel before and after the amount received
19 from the property tax relief fund is used to reduce the county
20 budget. The director of human services shall notify the county
21 auditor of each county of the amount of moneys the county will
22 receive from the property tax relief fund pursuant to section
23 426B.2, for the succeeding fiscal year.

24 Sec. 134. Section 426B.5, subsection 1, paragraph d,
25 subparagraph (1), subparagraph divisions (a) and (b), Code
26 Supplement 2011, are amended to read as follows:

27 (a) The county is levying the maximum amount allowed for
28 the county's mental health, ~~mental-retardation~~ intellectual
29 disability, and developmental disabilities services fund under
30 section 331.424A for the fiscal year in which the funding is
31 distributed.

32 (b) In the latest fiscal year reported in accordance with
33 section 331.403, the county's mental health, ~~mental-retardation~~
34 intellectual disability, and developmental disabilities
35 services fund ending balance under generally accepted

LSB 5146SV (2) 84
ad/rj

62/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 accounting principles was equal to or less than twenty-five
2 percent of the county's actual gross expenditures for that
3 fiscal year.

4 Sec. 135. Section 426B.5, subsection 2, paragraph a, Code
5 Supplement 2011, is amended to read as follows:

6 a. For the purposes of this subsection, unless the context
7 otherwise requires, "*services fund*" means a county's mental
8 health, ~~mental retardation~~ intellectual disability, and
9 developmental disabilities services fund created in section
10 331.424A.

11 Sec. 136. Section 514E.7, subsection 2, paragraph a,
12 subparagraph (1), Code 2011, is amended to read as follows:

13 (1) Incapable of self-sustaining employment by reason
14 of ~~mental retardation~~ an intellectual disability or physical
15 disability.

16 Sec. 137. Section 602.8102, subsections 36 and 37, Code
17 2011, are amended to read as follows:

18 36. Carry out duties relating to the commitment of a person
19 with ~~mental retardation~~ an intellectual disability as provided
20 in sections 222.37 through 222.40.

21 37. Keep a separate docket of proceedings of cases relating
22 to persons with ~~mental retardation~~ an intellectual disability
23 as provided in section 222.57.

24 Sec. 138. Section 633.556, subsection 1, Code 2011, is
25 amended to read as follows:

26 1. If the allegations of the petition as to the status of
27 the proposed ward and the necessity for the appointment of
28 a guardian are proved by clear and convincing evidence, the
29 court may appoint a guardian. If the court appoints a guardian
30 based upon mental incapacity of the proposed ward because
31 the proposed ward is a person ~~described in section 222.2,~~
32 ~~subsection 5~~ with an intellectual disability, as defined in
33 section 4.1, the court shall make a separate determination as
34 to the ward's competency to vote. The court shall find a ward
35 incompetent to vote only upon determining that the person lacks

LSB 5146SV (2) 84

-63-

ad/rj

63/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 sufficient mental capacity to comprehend and exercise the right
2 to vote.

3 Sec. 139. Section 633C.1, subsection 4, Code 2011, is
4 amended to read as follows:

5 4. *"Maximum monthly medical assistance payment rate for*
6 *services in an intermediate care facility for persons with ~~mental~~*
7 *~~retardation~~ an intellectual disability"* means the allowable
8 rate established by the department of human services and as
9 published in the Iowa administrative bulletin.

10 Sec. 140. Section 633C.3, subsection 3, paragraph a, Code
11 2011, is amended to read as follows:

12 a. For a beneficiary who meets the medical assistance level
13 of care requirements for services in an intermediate care
14 facility for persons with ~~mental-retardation~~ an intellectual
15 disability and who either resides in an intermediate care
16 facility for persons with ~~mental-retardation~~ an intellectual
17 disability or is eligible for services under the medical
18 assistance home and community-based services waiver except
19 that the beneficiary's income exceeds the allowable maximum,
20 the applicable rate is the maximum monthly medical assistance
21 payment rate for services in an intermediate care facility for
22 persons with ~~mental-retardation~~ an intellectual disability.

23 Sec. 141. Section 904.108, subsection 1, paragraph d, Code
24 2011, is amended to read as follows:

25 d. Establish and maintain acceptable standards of treatment,
26 training, education, and rehabilitation in the various
27 state penal and corrective institutions which shall include
28 habilitative services and treatment for offenders with ~~mental~~
29 ~~retardation~~ an intellectual disability. For the purposes of
30 this paragraph, *"habilitative services and treatment"* means
31 medical, mental health, social, educational, counseling,
32 and other services which will assist a person with ~~mental~~
33 ~~retardation~~ an intellectual disability to become self-reliant.
34 However, the director may also provide rehabilitative treatment
35 and services to other persons who require the services.

LSB 5146SV (2) 84

-64-

ad/rj

64/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 The director shall identify all individuals entering the
2 correctional system who are persons with ~~mental retardation~~
3 an intellectual disability, as defined in section ~~222.2,~~
4 ~~subsection 5~~ 4.1. Identification shall be made by a qualified
5 professional in the area of ~~mental retardation~~ intellectual
6 disability. In assigning an offender with ~~mental retardation~~
7 an intellectual disability, or an offender with an inadequately
8 developed intelligence or with impaired mental abilities, to
9 a correctional facility, the director shall consider both the
10 program needs and the security needs of the offender. The
11 director shall consult with the department of human services
12 in providing habilitative services and treatment to offenders
13 with mental illness or ~~mental retardation~~ an intellectual
14 disability. The director may enter into agreements with
15 the department of human services to utilize mental health
16 institutions and share staff and resources for purposes of
17 providing habilitative services and treatment, as well as
18 providing other special needs programming. Any agreement to
19 utilize mental health institutions and to share staff and
20 resources shall provide that the costs of the habilitative
21 services and treatment shall be paid from state funds. Not
22 later than twenty days prior to entering into any agreement
23 to utilize mental health institution staff and resources,
24 other than the use of a building or facility, for purposes of
25 providing habilitative services and treatment, as well as other
26 special needs programming, the directors of the departments
27 of corrections and human services shall each notify the
28 chairpersons and ranking members of the joint appropriations
29 subcommittees that last handled the appropriation for their
30 respective departments of the pending agreement. Use of a
31 building or facility shall require approval of the general
32 assembly if the general assembly is in session or, if the
33 general assembly is not in session, the legislative council
34 may grant temporary authority, which shall be subject to final
35 approval of the general assembly during the next succeeding

LSB 5146SV (2) 84
ad/rj

65/67

-65-



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 legislative session.

2 Sec. 142. Section 904.205, Code 2011, is amended to read as
3 follows:

4 **904.205 Clarinda correctional facility.**

5 The state correctional facility at Clarinda shall be
6 utilized as a secure men's correctional facility primarily
7 for offenders with chemical dependence, ~~mental retardation~~ an
8 intellectual disability, or mental illness.

9 Sec. 143. Section 915.38, subsections 1 and 2, Code 2011,
10 are amended to read as follows:

11 1. Upon its own motion or upon motion of any party, a court
12 may protect a minor, as defined in section 599.1, from trauma
13 caused by testifying in the physical presence of the defendant
14 where it would impair the minor's ability to communicate, by
15 ordering that the testimony of the minor be taken in a room
16 other than the courtroom and be televised by closed-circuit
17 equipment for viewing in the courtroom. However, such an order
18 shall be entered only upon a specific finding by the court that
19 such measures are necessary to protect the minor from trauma.
20 Only the judge, prosecuting attorney, defendant's attorney,
21 persons necessary to operate the equipment, and any person
22 whose presence, in the opinion of the court, would contribute
23 to the welfare and well-being of the minor may be present in
24 the room with the minor during the minor's testimony. The
25 judge shall inform the minor that the defendant will not be
26 present in the room in which the minor will be testifying
27 but that the defendant will be viewing the minor's testimony
28 through closed-circuit television.

29 During the minor's testimony the defendant shall remain in
30 the courtroom and shall be allowed to communicate with the
31 defendant's counsel in the room where the minor is testifying
32 by an appropriate electronic method.

33 In addition, upon a finding of necessity, the court may
34 allow the testimony of a victim or witness with a mental
35 illness, ~~mental retardation~~ an intellectual disability, or

LSB 5146SV (2) 84
ad/rj

66/67



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2247

1 other developmental disability to be taken as provided in this
2 subsection, regardless of the age of the victim or witness.
3 2. The court may, upon its own motion or upon motion of
4 a party, order that the testimony of a minor, as defined in
5 section 599.1, be taken by recorded deposition for use at
6 trial, pursuant to rule of criminal procedure 2.13(2)(b).
7 In addition to requiring that such testimony be recorded by
8 stenographic means, the court may on motion and hearing, and
9 upon a finding that the minor is unavailable as provided
10 in rule of evidence 5.804(a), order the videotaping of the
11 minor's testimony for viewing in the courtroom by the court.
12 The videotaping shall comply with the provisions of rule
13 of criminal procedure 2.13(2)(b), and shall be admissible
14 as evidence in the trial. In addition, upon a finding of
15 necessity, the court may allow the testimony of a victim
16 or witness with a mental illness, ~~mental retardation~~ an
17 intellectual disability, or other developmental disability to
18 be taken as provided in this subsection, regardless of the age
19 of the victim or witness.

20 EXPLANATION

21 This bill replaces the terms "mental retardation" and
22 "mentally retarded" with the term "intellectual disability"
23 throughout the Iowa Code.

24 The bill defines "intellectual disability" for the entire
25 Iowa Code as a disability of children and adults who as
26 a result of inadequately developed intelligence have a
27 significant impairment in ability to learn or to adapt to
28 the demands of society. This is the current definition of
29 "mental retardation" in Code chapter 222. The bill also
30 provides for the entire Iowa Code that if a diagnosis is
31 required, "intellectual disability" means a diagnosis of mental
32 retardation as defined in the diagnostic and statistical manual
33 of mental disorders, fourth edition, text revised, published by
34 the American psychiatric association. This language currently
35 exists in Code section 222.60.

LSB 5146SV (2) 84
ad/rj

67/67

-67-



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2248 - Introduced

SENATE FILE 2248
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3040)

A BILL FOR

1 An Act relating to the licensed professionals authorized to
2 prescribe respiratory care services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5466SV (2) 84
jr/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2248

1 Section 1. Section 152B.1, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. *"Qualified health care professional*
4 *prescriber"* means a physician assistant operating under the
5 prescribing authority granted in section 147.107 or an advanced
6 registered nurse practitioner operating under the prescribing
7 authority granted in section 147.107.

8 Sec. 2. Section 152B.2, subsection 1, paragraph a,
9 subparagraph (2), Code 2011, is amended to read as follows:

10 (2) Direct and indirect respiratory care services,
11 including but not limited to, the administration of
12 pharmacological and diagnostic and therapeutic agents related
13 to respiratory care procedures necessary to implement a
14 treatment, disease prevention, pulmonary rehabilitative, or
15 diagnostic regimen prescribed by a licensed physician, ~~or~~
16 surgeon, or qualified health care professional prescriber.

17 Sec. 3. Section 152B.2, subsection 1, paragraph b, Code
18 2011, is amended to read as follows:

19 *b. "Respiratory care as a practice"* does not include
20 the delivery, assembly, setup, testing, or demonstration of
21 respiratory care equipment in the home upon the order of a
22 licensed physician or a qualified health care professional
23 prescriber. As used in this paragraph, *"demonstration"* does not
24 include the actual teaching, administration, or performance of
25 the respiratory care procedures.

26 Sec. 4. Section 152B.2, subsection 2, Code 2011, is amended
27 to read as follows:

28 2. *"Respiratory care protocols"* as used in this section
29 means policies and procedures developed by an organized health
30 care system through consultation, when appropriate, with
31 administrators, licensed physicians and surgeons, qualified
32 health care professional prescribers, licensed registered
33 nurses, licensed physical therapists, licensed respiratory care
34 practitioners, and other licensed health care practitioners.

35 Sec. 5. Section 152B.3, subsection 1, unnumbered paragraph

LSB 5466SV (2) 84

-1-

jr/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2248

1 1, Code 2011, is amended to read as follows:

2 The performance of respiratory care shall be in accordance
3 with the prescription of a licensed physician, ~~or~~ surgeon, or
4 qualified health care professional prescriber and includes but
5 is not limited to the diagnostic and therapeutic use of the
6 following:

7 Sec. 6. Section 152B.3, subsection 2, Code 2011, is amended
8 to read as follows:

9 2. A respiratory care practitioner may transcribe and
10 implement a written or verbal order from a licensed physician,
11 ~~or~~ surgeon, or qualified health care professional prescriber
12 pertaining to the practice of respiratory care.

13 Sec. 7. Section 152B.4, Code 2011, is amended to read as
14 follows:

15 **152B.4 Location of respiratory care.**

16 The practice of respiratory care may be performed in a
17 hospital as defined in section 135B.1, subsection 3, and other
18 settings where respiratory care is to be provided in accordance
19 with a prescription of a licensed physician, ~~or~~ surgeon, or
20 qualified health care professional prescriber. Respiratory
21 care may be provided during transportation of a patient and
22 under circumstances where an emergency necessitates respiratory
23 care.

24 **EXPLANATION**

25 Respiratory care is a licensed profession that, under
26 current law, must be prescribed by a licensed physician or
27 surgeon. This bill allows licensed physician assistants
28 and licensed advanced registered nurse practitioners, when
29 operating under prescribing authority delegated in Code section
30 147.107, to prescribe respiratory care.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2249 - Introduced

SENATE FILE 2249
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3165)

(COMPANION TO LSB 6062HV BY
COMMITTEE ON TRANSPORTATION)

A BILL FOR

1 An Act relating to motorcycle dealer activities at motorcycle
2 rallies and to the definition of travel trailer for purposes
3 of travel trailer dealer requirements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 6062SV (1) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2249

1 Section 1. Section 322.2, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11A. "*Motorcycle*" means as defined in
4 section 321.1. "*Motorcycle*" does not include an all-terrain
5 vehicle as defined in section 321.1.

6 Sec. 2. Section 322.4, subsection 1, paragraph g, Code 2011,
7 is amended to read as follows:

8 *g.* Before the issuance of a motor vehicle dealer's license
9 to a dealer engaged in the sale of vehicles for which a
10 certificate of title is required under chapter 321, or the
11 issuance of a temporary permit under section 322.5, subsection
12 6, paragraph "b", the applicant shall furnish a surety bond
13 executed by the applicant as principal and executed by a
14 corporate surety company, licensed and qualified to do business
15 within this state, which bond shall run to the state of Iowa,
16 be in the amount of fifty thousand dollars and be conditioned
17 upon the faithful compliance by the applicant as a dealer with
18 all of the statutes of this state regulating or applicable to
19 the business of a dealer in motor vehicles, and indemnifying
20 any person who buys a motor vehicle from the dealer from any
21 loss or damage occasioned by the failure of the dealer to
22 comply with any of the provisions of chapter 321 and this
23 chapter, including but not limited to the furnishing of a
24 proper and valid certificate of title to the motor vehicle
25 involved in a transaction. The bond shall also indemnify any
26 motor vehicle purchaser from any loss or damage caused by the
27 failure of the dealer to comply with the odometer requirements
28 in section 321.71, regardless of whether the motor vehicle was
29 purchased directly from the dealer. The bond shall be filed
30 with the department prior to the issuance of a license or
31 permit. The aggregate liability of the surety, however, shall
32 not exceed the amount of the bond.

33 Sec. 3. Section 322.5, Code 2011, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 6. *a.* Upon application for and receipt

LSB 6062SV (1) 84

-1-

dea/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2249

1 of a temporary permit issued by the department under this
2 subsection, a motor vehicle dealer authorized to sell used
3 motorcycles may display, offer for sale, and negotiate sales of
4 used motorcycles at a motorcycle rally located in this state
5 that meets all of the following conditions:

6 (1) The sponsor of the rally conducts not more than one
7 rally annually in this state.

8 (2) The rally is conducted for a single period of not less
9 than three and not more than seven consecutive days.

10 (3) Attendance at the rally is restricted to persons who
11 have paid a nonrefundable admission fee to the sponsor of the
12 rally.

13 b. A person licensed as a motor vehicle dealer in another
14 state may apply for and be issued a temporary permit under this
15 subsection if the person meets all of the following conditions:

16 (1) The person presents the department with a current motor
17 vehicle dealer license valid for the sale of used motorcycles
18 at retail in the person's state of residence.

19 (2) The state in which the person is licensed as a motor
20 vehicle dealer allows a motor vehicle dealer licensed in Iowa
21 to be issued a permit substantially similar to the temporary
22 permit authorized under this section.

23 (3) The person furnishes to the department a surety bond
24 that meets the requirements of section 322.4, subsection 1,
25 paragraph "g".

26 (4) The person presents any additional information the
27 department may require.

28 c. Application for a temporary permit under this subsection
29 shall be made on forms provided by the department accompanied
30 by a fee established by the department by rule.

31 d. A sale of a motorcycle at a motorcycle rally shall not be
32 completed and an agreement for the sale of a motorcycle shall
33 not be signed at a motorcycle rally. All such sales shall be
34 consummated at the motor vehicle dealer's principal place of
35 business.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2249

1 e. The department may issue a temporary permit under this
2 subsection for a period not to exceed seven consecutive days.
3 A motor vehicle dealer may not receive more than one temporary
4 permit issued under this subsection in a calendar year.
5 Sec. 4. Section 322C.2, subsection 10, Code 2011, is amended
6 to read as follows:
7 10. "*Travel trailer*" means a vehicle without motive power
8 used or so manufactured or constructed as to permit its being
9 used as a conveyance upon the public streets and highways and
10 designed to permit the vehicle to be used as a place of human
11 habitation by one or more persons. The vehicle may be up to
12 eight feet six inches in width and its overall length shall not
13 exceed forty feet. "Travel trailer" does not include a vehicle
14 that is so designed as to permit it to be towed exclusively by
15 a motorcycle.

16 EXPLANATION

17 This bill provides for the display of used motorcycles
18 offered for sale at motorcycle rallies, provided the sponsor of
19 the rally holds no more than one rally per year in this state,
20 the rally is conducted for not less than three and not more
21 than seven days, and attendance at the rally is restricted to
22 persons paying a nonrefundable admission fee.

23 Under the bill, a person licensed as a motor vehicle dealer
24 and authorized to sell used motorcycles may apply to the
25 department of transportation for a temporary permit to display,
26 offer for sale, and negotiate sales of used motorcycles at a
27 rally. The fee for the permit is to be established by the
28 department by rule. A temporary permit may be issued for a
29 period of not more than seven days, and a motor vehicle dealer
30 may not be issued more than one such permit in a calendar year.

31 A person licensed as a motor vehicle dealer in another
32 state may be issued a temporary permit to display, offer for
33 sale, and negotiate sales of used motorcycles at a rally in
34 this state if the dealer presents to the department a current
35 license valid for the sale of used motorcycles at retail in

LSB 6062SV (1) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2249

1 the person's state of residence, provided that the dealer's
2 home state extends similar privileges to a dealer licensed in
3 this state. A dealer from another state must furnish a surety
4 bond that meets current requirements for motor vehicle dealer
5 licensing.

6 A temporary permit issued under the bill does not allow
7 a dealer to complete the sale of a used motorcycle at a
8 motorcycle rally. The bill specifies that the sale shall not
9 be completed and a sales agreement shall not be signed at the
10 rally. The sale must be consummated at the motor vehicle
11 dealer's principal place of business.

12 The bill amends the definition of "travel trailer" for
13 purposes of Code chapter 322C to exclude vehicles designed to
14 be towed exclusively by a motorcycle. As a result, sales of
15 motorcycle trailers are exempt from the travel trailer dealer
16 licensing requirements and from a specific provision in Code
17 section 322C.12 relating to finance charges under a travel
18 trailer retail installment contract.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2250 - Introduced

SENATE FILE 2250
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3039)

A BILL FOR

1 An Act relating to planning and service delivery under the
2 purview of the department on aging including the designation
3 of area agencies on aging, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5312SV (2) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2250

1 Section 1. Section 231.14, subsection 1, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *j.* Adopt policies and administrative
4 rules pursuant to chapter 17A that support the capabilities
5 of the area agencies on aging and the aging and disabilities
6 resource centers to serve older individuals and persons with
7 disabilities experiencing Alzheimer's disease or related
8 dementias.

9 Sec. 2. Section 231.32, subsections 1 and 2, Code 2011, are
10 amended to read as follows:

11 1. The commission shall designate ~~thirteen area agencies~~
12 ~~on aging, the same of which existed on July 1, 1985~~ an area
13 agency on aging for each planning and service area. The
14 commission shall continue the designation until an area agency
15 on aging's designation is removed for cause as determined by
16 the commission ~~or~~, until the agency voluntarily withdraws as
17 an area agency on aging, or until a change in the designation
18 of planning and service areas or area agencies on aging
19 is required by state or federal law. In that event, the
20 commission shall proceed in accordance with subsections 2, 3,
21 and 4. Designated area agencies on aging shall comply with the
22 requirements of the federal Act.

23 2. The commission shall designate an area agency to serve
24 each planning and service area, after consideration of the
25 views offered by units of general purpose local government. An
26 area agency may be:

27 *a.* An established office of aging which is operating within
28 a planning and service area designated by the commission.

29 *b.* Any office or agency of a unit of general purpose local
30 government, which is designated to function only for the
31 purpose of serving as an area agency on aging by the chief
32 elected official of such unit.

33 *c.* Any office or agency designated by the appropriate
34 chief elected officials of any combination of units of general
35 purpose local government to act only on behalf of ~~the~~ such



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012**

S.F. 2250

1 combination for such purpose.

2 d. Any public or nonprofit private agency in a planning
3 and service area or any separate organizational unit within
4 such agency which is under the supervision or direction for
5 this purpose of the department on aging and which can and will
6 engage only in the planning or provision of a broad range of
7 supportive services or nutrition services within the planning
8 and service area.

9 Sec. 3. REVOKING OF DESIGNATION AND DESIGNATION OF AREA
10 AGENCIES ON AGING — EMERGENCY RULES.

11 1. Based upon the plan for reduction in the number of
12 area agencies on aging submitted pursuant to 2011 Iowa Acts,
13 chapter 122, section 20, and pursuant to procedures established
14 by the department on aging in accordance with the federal
15 Older Americans Act, the commission on aging shall revoke the
16 designation of the existing area agencies on aging on June 30,
17 2012, and shall designate an area agency on aging to represent
18 each planning and service area effective July 1, 2012.

19 2. The department on aging may adopt emergency rules under
20 section 17A.4, subsection 3, and section 17A.5, subsection 2,
21 paragraph "b", to implement the provisions of this section and
22 the rules shall be effective immediately upon filing unless
23 a later date is specified in the rules. Any rules adopted
24 in accordance with this section shall also be published as a
25 notice of intended action as provided in section 17A.4.

26 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill provides for the revoking of the designation of
30 existing area agencies on aging and the designation of new area
31 agencies on aging.

32 The bill eliminates the requirement that the commission on
33 aging designate 13 area agencies on aging and instead directs
34 the commission to designate an area agency on aging for each
35 planning and service area in the state, and to continue the

LSB 5312SV (2) 84
pf/nh

-2-

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2250

1 designation until certain criteria are met. In addition to
2 the existing criteria for revoking of the designation of an
3 area agency on aging, the bill includes the new criterion for
4 an area agency on aging to continue until a change in the
5 designation of planning and service areas or area agencies on
6 aging is required by state or federal law.

7 The bill provides that the entities specified under the law
8 to function as an area agency on aging are to function only for
9 that purpose or engage only in the functions of an area agency
10 on aging.

11 The bill also directs the commission on aging to revoke the
12 designation of the existing area agencies on aging on June 30,
13 2012, and to designate an area agency on aging to represent
14 each planning and service area effective July 1, 2012, based on
15 the plan for reduction in the number of area agencies on aging
16 submitted pursuant to 2011 Iowa Acts, chapter 122, section
17 20, and pursuant to procedures established by the department
18 on aging in accordance with the federal Older Americans Act.
19 The bill authorizes the department on aging to adopt emergency
20 rules to implement the revocations of designation and the
21 designation of new area agencies on aging.

22 The bill also directs the commission on aging to adopt
23 policies and administrative rules that support the capabilities
24 of the area agencies on aging and the aging and disabilities
25 resource centers to serve persons experiencing Alzheimer's
26 disease or related dementias.

27 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2251 - Introduced

SENATE FILE 2251
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SSB 3108)

(COMPANION TO 5279HV BY
COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA)

A BILL FOR

1 An Act relating to economic development by providing an
2 adjustment to net income for certified suppliers of anchor
3 manufacturers for purposes of state taxation and including
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5279SV (2) 84
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2251

1 Section 1. NEW SECTION. 15.226 Definitions.

2 For purposes of this part:

3 1. "*Anchor manufacturer*" means a business that meets all of
4 the following:

5 a. Manufactures tangible personal property at a facility in
6 Iowa.

7 b. Exports at least fifty percent of the tangible personal
8 property produced at the facility to markets outside of the
9 state.

10 2. "*Certified supplier*" means a business certified pursuant
11 to section 15.227.

12 3. "*Facility*" means a building or buildings located in the
13 state at which tangible personal property is manufactured for
14 sale within or without the state of Iowa.

15 4. "*Manufactured*" or "*Manufactures*" means adding value to
16 personal property through a process of manufacturing, refining,
17 purifying, combining of different materials, the packaging of
18 meats, extracting and recovering natural resources, and all
19 processes of fabricating and curing, with a view to selling the
20 property for gain or profit.

21 5. "*Tangible personal property*" means the same as defined in
22 section 422.33, subsection 2, unnumbered paragraph 2.

23 Sec. 2. NEW SECTION. 15.227 Certification of suppliers.

24 1. A business meeting the requirements of subsection 2 may
25 apply to the authority, no later than ninety days after the
26 end of a tax year of the business, for certification under
27 this section. If a business applying to the authority meets
28 the requirements of subsection 2, the authority shall issue
29 a certificate to the business stating that the business is a
30 certified supplier.

31 2. To receive certification as a certified supplier, a
32 business must meet all of the following for the tax year
33 immediately preceding the tax year for which the requested
34 certificate will be valid:

35 a. The business manufactures tangible personal property at a

LSB 5279SV (2) 84

-1-

mm/sc

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2251

1 facility in Iowa.

2 *b.* The business derives more than ten percent of its gross
3 sales of tangible personal property manufactured at a facility
4 in Iowa from sales to anchor manufacturers. For purposes of
5 the requirement in this paragraph, a business may aggregate
6 gross sales to more than one anchor manufacturer.

7 *c.* The business provides a statement from an anchor
8 manufacturer, signed by an officer or authorized representative
9 of the anchor manufacturer, attesting that the anchor
10 manufacturer meets the definition of anchor manufacturer under
11 section 15.226, and provides supporting documentation in a form
12 prescribed by the authority.

13 *d.* The business meets one of the following criteria:

14 (1) At least ten percent of the total payroll of the
15 business is located in the state.

16 (2) The business employs at least fifty employees at a
17 facility in the state.

18 *e.* The business agrees to annually provide to the authority
19 information and data on jobs created and capital investments
20 made in the state by the business. The information and data
21 shall be in a form prescribed by the authority.

22 3. A certificate is valid for one tax year and shall include
23 an expiration date. Reapplication may be made each year for
24 certification under this part. The department of revenue shall
25 accept a validly issued, unexpired certificate issued under
26 this section.

27 4. The authority shall not issue certificates pursuant
28 to this section for tax years beginning on or after January
29 1, 2015. On or after January 1, 2015, the authority and the
30 department of revenue shall coordinate with the chairpersons
31 of the senate and house standing committees on economic
32 growth and rebuild Iowa to evaluate the effectiveness of this
33 certification process and the related adjustments to net income
34 provided in chapter 422, and the feasibility of continuing both
35 into the future.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2251

1 Sec. 3. NEW SECTION. 15.228 Eligibility for adjustment to
2 net income of certified suppliers.

3 1. A certified supplier shall be eligible to make the
4 adjustment to net income in section 422.35, subsection 26, for
5 a tax year if all the following apply:

6 a. The certified supplier's net business income for the tax
7 year, allocated and apportioned to this state under section
8 422.33, subsection 2, paragraph "b", computed without regard
9 to section 422.35, subsection 26, increased by more than five
10 percent over the certified supplier's net business income in
11 the prior year, allocated and apportioned to this state under
12 section 422.33, subsection 2, paragraph "b".

13 b. The certified supplier attaches a copy of a valid,
14 unexpired certificate issued under section 15.227 to the
15 certified supplier's tax return required under chapter 422.

16 2. A taxpayer who is a shareholder in a subchapter S
17 corporation that is a certified supplier shall be eligible to
18 make the adjustment to net income in section 422.7, subsection
19 57, for a tax year if all the following apply:

20 a. The certified supplier's net business income for the tax
21 year, allocated and apportioned to this state under section
22 422.33, subsection 2, paragraph "b", computed without regard
23 to section 422.35, subsection 26, increased by more than five
24 percent over the certified supplier's net business income in
25 the prior year, allocated and apportioned to this state under
26 section 422.33, subsection 2, paragraph "b", computed with
27 regard to section 422.35, subsection 26, if the subchapter S
28 corporation was a certified supplier in the previous tax year
29 and met the eligibility requirements in this paragraph "a".

30 b. The shareholder attaches a copy of a valid, unexpired
31 certificate issued under section 15.227 to the shareholder's
32 tax return required under chapter 422.

33 Sec. 4. NEW SECTION. 15.229 Rules.

34 The authority and the department of revenue may adopt rules
35 for the implementation of this part.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2251

1 Sec. 5. Section 422.7, Code Supplement 2011, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 57. If the adjusted gross income includes
4 income from a subchapter S corporation for which the taxpayer
5 is a shareholder, which subchapter S corporation is a certified
6 supplier that meets the requirements in section 15.228,
7 subsection 2, paragraph "a", the taxpayer may subtract an amount
8 based on the taxpayer's pro rata share of the profits or losses
9 from the subchapter S corporation equal to the difference
10 between the subchapter S corporation's net business income for
11 the tax year, allocated and apportioned to this state under
12 section 422.33, subsection 2, paragraph "b", computed without
13 regard to section 422.35, subsection 26, and one hundred five
14 percent of the subchapter S corporation's net business income
15 for the prior tax year, allocated and apportioned under section
16 422.33, subsection 2, paragraph "b", computed with regard to
17 section 422.35, subsection 26, if the subchapter S corporation
18 was a certified supplier in the previous tax year and met the
19 requirements in section 15.228, subsection 2, paragraph "a".
20 A taxpayer who is a resident shall not make the subtraction
21 provided in this subsection unless the taxpayer also makes an
22 election pursuant to section 422.5, subsection 1, paragraph
23 "j", subparagraph (2).
24 Sec. 6. Section 422.35, Code Supplement 2011, is amended by
25 adding the following new subsection:
26 NEW SUBSECTION. 26. If the taxpayer is a certified supplier
27 that meets the requirements in section 15.228, subsection
28 1, subtract an amount equal to the difference between the
29 taxpayer's net business income for the tax year, allocated and
30 apportioned under section 422.33, subsection 2, paragraph "b",
31 computed without regard to this subsection, and one hundred
32 five percent of the taxpayer's net business income for the
33 prior tax year, allocated and apportioned under section 422.33,
34 subsection 2, paragraph "b".
35 Sec. 7. RETROACTIVE APPLICABILITY. This Act applies



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2251

1 retroactively to January 1, 2012, for tax years beginning on
2 or after that date.

3 EXPLANATION

4 This bill creates an economic development program that
5 allows a certified supplier to make an adjustment to net income
6 for state individual and corporate income tax purposes. The
7 adjustment is available for corporations and shareholders of
8 subchapter S corporations.

9 To qualify as a certified supplier under the bill, a business
10 must manufacture tangible personal property in Iowa, derive
11 more than 10 percent of its gross sales from sales to anchor
12 manufacturers, supply the authority with a signed statement
13 from the anchor manufacturer attesting that the anchor
14 manufacturer qualifies as an anchor manufacturer, and must
15 either maintain at least 10 percent of its payroll in Iowa or
16 employ at least 50 employees in Iowa. "Anchor manufacturer"
17 is defined as a business that manufactures tangible personal
18 property in Iowa and exports at least 50 percent of the
19 tangible personal property produced in Iowa outside of the
20 state.

21 A business that meets all of the qualifications of a
22 certified supplier may annually apply to the authority to
23 receive a certificate labeling the business as a certified
24 supplier. A business must apply for a certificate no later
25 than 90 days after the end of its tax year. The certificate is
26 valid for one year and shall include an expiration date.

27 The certified supplier will be entitled to make an
28 adjustment to its net income if it attaches the valid,
29 unexpired certificate to its tax return, and if its net
30 business income allocated and apportioned to this state,
31 computed without regard to the adjustment to net income
32 provided in the bill, increased by more than 5 percent over
33 its prior year net business income allocated and apportioned
34 to this state.

35 If both requirements are met, the certified supplier is



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2251

1 entitled to subtract from its net income an amount equal to
2 the difference between its current year net business income
3 allocated and apportioned to this state, computed without
4 regard to the adjustment to net income provided in the bill,
5 and 105 percent of its prior year net business income allocated
6 and apportioned to this state. The economic development
7 authority shall not issue certificates for tax years beginning
8 on or after January 1, 2015. After that date, the economic
9 development authority and the department are both required to
10 coordinate with the chairpersons of each standing committee
11 on economic growth/rebuild Iowa to evaluate the certification
12 program.

13 The bill provides the authority and department of revenue
14 with rulemaking authority.

15 The bill applies retroactively to January 1, 2012, for tax
16 years beginning on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2252 - Introduced

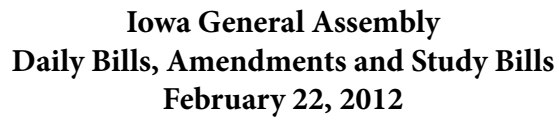
SENATE FILE 2252
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SSB 3118)

A BILL FOR

1 An Act relating to Iowa's urban renewal law.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5502SV (2) 84
md/sc



1 Section 1. URBAN RENEWAL LAW. It is the intent of the
2 general assembly to review and enact legislation relating to
3 Iowa's urban renewal law.

5 This bill specifies that it is the intent of the general
6 assembly to review and enact legislation relating to Iowa's
7 urban renewal law.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2253 - Introduced

SENATE FILE 2253
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3162)

A BILL FOR

1 An Act requiring the department of natural resources to conduct
2 pheasant studies, contingent on outside funding, and
3 including a repeal.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5594SV (1) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2253

1 Section 1. NEW SECTION. **481A.6B Pheasant population studies**
2 **— reports.**

3 1. The department, in cooperation with private and public
4 partners, shall conduct a multiyear study to determine the
5 effectiveness of stocking wild or first-generation pheasants
6 in the state.

7 2. The department, in cooperation with private and public
8 partners, shall stock wild or first-generation pheasants
9 in an area with suitable pheasant habitat that has a very
10 low or no wild pheasant population. The rate at which the
11 pheasant population changes over time in the stocked area shall
12 be compared to the rate of change in another area where no
13 pheasants have been stocked. Both areas shall be located in
14 the southern half of the state. The results of the study shall
15 be published and made available to the public at the conclusion
16 of the study.

17 3. The department shall collect a sufficient amount of new
18 data as is necessary to confirm or revise population parameters
19 used by the department to predict pheasant population change.
20 A report discussing the data collected and the changes made to
21 the department's pheasant population prediction model, if any,
22 shall be submitted to the general assembly and made available
23 to the public by December 31, 2015.

24 4. The department, in cooperation with an institution under
25 the control of the state board of regents, shall also conduct a
26 study to determine the economic impact of pheasant hunting in
27 Iowa. The study shall focus on the impact to rural areas of the
28 state and to small communities. A report on the results of the
29 study shall be submitted to the general assembly by December
30 31, 2014.

31 5. The duties imposed in this section are contingent on
32 the receipt of outside funding by the department sufficient to
33 cover the costs associated with the studies required.

34 6. This section is repealed June 30, 2018.

35

EXPLANATION

LSB 5594SV (1) 84
av/nh

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2253

1 This bill requires the department of natural resources, in
2 cooperation with private and public partners, to conduct a
3 multiyear study to determine the effectiveness of stocking wild
4 or first-generation pheasants in the state.

5 The department, along with partners, must stock wild or
6 first-generation pheasants in an area with suitable pheasant
7 habitat that has a very low or no wild pheasant population.
8 The rate at which the pheasant population changes over time
9 in the stocked area is to be compared to the rate of change
10 in another area where no pheasants have been stocked. The
11 results of the study shall be published and made available to
12 the public.

13 The department is required to collect sufficient data to
14 confirm or revise population parameters used by the department
15 to predict pheasant population change. A report discussing
16 the data collected and the changes made to the department's
17 pheasant population prediction model, if any, is to be
18 submitted to the general assembly and made available to the
19 public by December 31, 2015.

20 The department, in cooperation with a regents institution,
21 is also required to conduct a study that determines the
22 economic impact of pheasant hunting in Iowa, focusing on the
23 impact to rural Iowa and to small communities. A report of the
24 results of the study shall be submitted to the general assembly
25 by December 31, 2014.

26 The duties imposed in the bill are contingent on the receipt
27 of outside funding by the department sufficient to cover
28 the costs associated with the studies required. The bill
29 provisions are repealed June 30, 2018.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2254 - Introduced

SENATE FILE 2254
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SF 2076)

A BILL FOR

1 An Act allowing the issuance of special hunting licenses to
2 certain nonresident disabled veterans and members of the
3 armed forces serving on active federal service.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5915SV (2) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2254

1 Section 1. Section 483A.24, Code Supplement 2011, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 10A. The commission shall issue a special
4 hunting license to a disabled nonresident who has served in the
5 armed forces of the United States on active federal service
6 and was disabled during that veteran's military service or who
7 is serving in the armed forces of the United States on active
8 federal service and has been awarded the purple heart for
9 disabilities incurred in action, to enable the disabled person
10 to participate in a hunt that is conducted by a nonprofit
11 organization that conducts hunting experiences in this state
12 for disabled veterans and members of the armed forces serving
13 on active federal service. The licenses shall be issued as
14 follows:
15 a. The department shall prepare an application to be used by
16 a person requesting a special license under this subsection.
17 (1) The department shall verify that the license will
18 be used by the applicant in connection with a hunt conducted
19 by an approved nonprofit organization that conducts hunting
20 experiences in this state for disabled veterans and members
21 of the armed forces serving on active federal service. The
22 department shall specify, by rules adopted under chapter 17A,
23 what requirements a nonprofit organization must meet in order
24 to be approved to conduct hunts for disabled persons who obtain
25 licenses under this subsection.
26 (2) The department of veterans affairs shall assist the
27 department in verifying the status or claims of applicants
28 under this subsection. As used in this subsection, "*disabled*"
29 means that a veteran is entitled to a service connected rating
30 under 38 U.S.C. ch. 11 with a degree of disability of thirty
31 percent or more or that a person who is serving in the armed
32 forces of the United States on active federal service has been
33 awarded the purple heart for disabilities incurred in action.
34 b. A disabled veteran or member of the armed forces serving
35 on active federal service who receives a special license under

LSB 5915SV (2) 84
av/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2254

1 this subsection shall purchase a hunting license and pay the
2 wildlife habitat fee, all for the same fee that is charged to
3 resident hunters.

4 *c.* A license issued under this subsection is valid for use
5 only on a hunt conducted by a nonprofit organization approved
6 under this subsection.

7 *d.* The commission shall issue no more than forty of each of
8 the special licenses available under this subsection per year.

9 *e.* The commission shall adopt rules under chapter 17A for
10 the administration of this subsection.

11 EXPLANATION

12 This bill requires the natural resource commission to issue
13 a special hunting license to a disabled nonresident who has
14 served in the armed forces of the United States on active
15 federal service and was disabled during that veteran's military
16 service or who is serving in the armed forces of the United
17 States on active federal service and has been awarded the
18 purple heart for disabilities incurred in action, to enable
19 the person to participate in a hunt that is conducted by a
20 nonprofit organization that conducts hunting experiences in
21 this state for such persons.

22 The commission is required to verify that an applicant for
23 a special hunting license is entitled to a service connected
24 disability rating of 30 percent or more or is serving in
25 the armed forces and has been awarded the purple heart for
26 disabilities incurred in action, and that the license will
27 be used in connection with a hunt conducted by an approved
28 nonprofit organization. The commission shall adopt rules
29 specifying the requirements for a nonprofit organization to be
30 approved to hold such hunts.

31 A disabled nonresident receiving a special license under
32 the bill must purchase a hunting license and pay the wildlife
33 habitat fee, all for the same fee that is charged to resident
34 hunters and complete the hunter safety and ethics education
35 course.

LSB 5915SV (2) 84
av/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2254

1 The commission is limited to issuing no more than 40 of the
2 special hunting licenses available under the bill per year.
3 The commission is required to adopt rules pursuant to Code
4 chapter 17A to administer the provisions of the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2255 - Introduced

SENATE FILE 2255
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SF 2041)

A BILL FOR

1 An Act establishing a self-employment assistance program
2 for recipients of unemployment compensation benefits and
3 providing a termination date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5227SV (2) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2255

1 Section 1. NEW SECTION. 96.45 Self-employment assistance
2 program.

3 1. *Definitions.* As used in this section, unless the context
4 otherwise requires:

5 a. *"Self-employment assistance activities"* means activities
6 approved by the director in which an individual participates
7 for the purpose of establishing a business and becoming
8 self-employed. Self-employment assistance activities include
9 but are not limited to entrepreneurial training, business
10 counseling, and technical assistance.

11 b. *"Self-employment assistance allowance"* means an amount
12 payable in lieu of regular benefits under this chapter to
13 an individual participating in self-employment assistance
14 activities in accordance with this section. Self-employment
15 assistance allowance amounts shall be paid from the
16 unemployment compensation fund.

17 2. *Self-employment assistance allowance — amount.* The
18 weekly amount of the self-employment assistance allowance
19 payable to an individual is equal to the weekly regular benefit
20 amount. The sum of the self-employment assistance allowance
21 paid under this section and the regular benefits paid under
22 this chapter with respect to any benefit year shall not
23 exceed the maximum benefit amount payable under section 96.3,
24 subsection 5, with respect to that benefit year.

25 3. *Eligibility requirements.* The following eligibility
26 requirements apply to the payment of a self-employment
27 assistance allowance under this section.

28 a. An individual may receive a self-employment assistance
29 allowance if the following requirements are met:

30 (1) The individual is eligible to receive regular benefits
31 or would be eligible to receive regular benefits except for the
32 requirements described in paragraph "b", subparagraphs (1) and
33 (2).

34 (2) The individual is identified by a worker profiling
35 system as an individual likely to exhaust regular benefits.

LSB 5227SV (2) 84

-1-

je/rj

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2255

1 (3) The individual has submitted an application form and an
2 initial business plan as prescribed by the director.

3 (4) The individual's initial business plan has been
4 reviewed for feasibility and financial viability by the
5 department in consultation with a small business development
6 center associated with Iowa state university of science and
7 technology, business accelerators, business incubators, or
8 the John Pappajohn entrepreneurial centers. An individual
9 shall not be approved for a self-employment assistance
10 allowance unless the department finds the individual's initial
11 business plan feasible and financially viable. Upon request,
12 the department shall advise an individual as to resources
13 available in the state to aid in the development of a feasible,
14 financially viable, initial business plan.

15 (5) The individual has obtained any occupational
16 certification or license necessary to carry out the
17 individual's initial business plan prior to the submission of
18 an application form and an initial business plan.

19 (6) The individual has filed a weekly claim for the
20 self-employment assistance allowance and provides a log of
21 self-employment activities and any other information the
22 director prescribes.

23 *b.* The self-employment assistance allowance shall be payable
24 to an individual at the same intervals and on the same terms
25 and conditions as regular benefits under this chapter except
26 for the following:

27 (1) The provisions of this chapter regarding being
28 available for work, actively seeking work, and refusing to
29 accept suitable work are not applicable to such an individual.

30 (2) The requirements of this chapter relating to
31 disqualifying income are not applicable to income earned from
32 self-employment by such an individual.

33 *c.* An individual who meets the requirements of this section
34 shall be considered to be totally unemployed under section
35 96.19, subsection 38, paragraph "a".

LSB 5227SV (2) 84

-2-

je/rj

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2255

1 *d.* An individual who fails to actively engage on a full-time
2 basis in self-employment assistance activities is ineligible to
3 receive the self-employment assistance allowance for each week
4 in which such failure occurs.

5 4. *Limitation on number of individuals receiving a*
6 *self-employment assistance allowance.* The number of individuals
7 receiving the self-employment assistance allowance at any time
8 shall not exceed five percent of the number of individuals
9 receiving regular benefits.

10 5. *Financing the costs of the self-employment assistance*
11 *allowance.* The self-employment assistance allowance shall be
12 charged to employers in the manner provided in this chapter for
13 the charging of regular benefits.

14 6. *Implementation.* The director shall administer this
15 section in consultation with the small business development
16 centers associated with Iowa state university of science and
17 technology. In adopting rules to administer this section, the
18 director, insofar as is practicable, shall comply with the
19 rules and policies of the United States department of labor.

20 7. *Termination date.* The authority to pay self-employment
21 assistance allowances under this section terminates at the
22 end of the week preceding the date when federal law no longer
23 authorizes such payment, unless that date is on a Saturday in
24 which case the authority terminates on that date.

25 EXPLANATION

26 This bill establishes a self-employment assistance
27 program which provides unemployment compensation benefits to
28 individuals seeking to be self-employed. These benefits are
29 paid instead of regular unemployment compensation benefits.
30 Authority to establish the program is provided by federal law
31 at 26 U.S.C. § 3306(t).

32 The bill defines self-employment assistance activities
33 and self-employment assistance allowance. Self-employment
34 assistance activities are intended to enable an individual
35 to establish a business and become self-employed and include

LSB 5227SV (2) 84

-3-

je/rj

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2255

1 entrepreneurial training, business counseling, technical
2 assistance, and any other activities approved by the director
3 of the department of workforce development. The bill provides
4 that the weekly self-employment assistance allowance payable to
5 an individual is equal to the weekly benefit amount for regular
6 unemployment benefits and the maximum yearly allowance is the
7 same as the maximum yearly, regular unemployment benefits
8 currently allowable. Charges to employers are made in the
9 same manner as charges to employers for regular unemployment
10 benefits.

11 The bill establishes eligibility requirements for an
12 individual's acceptance into the self-employment assistance
13 program. An individual must be identified by a worker
14 profiling system as an individual likely to exhaust regular
15 unemployment compensation benefits. An individual must
16 submit an application form and an initial business plan. The
17 department of workforce development, in consultation with a
18 small business development center associated with Iowa state
19 university of science and technology, business accelerators,
20 business incubators, or the John Pappajohn entrepreneurial
21 centers, must review the individual's initial business plan for
22 feasibility and financial viability. An individual's initial
23 business plan must be found feasible and financially viable
24 in order for the individual to be accepted into the program.
25 Upon request, the department is to advise an individual as to
26 resources available in the state to aid in the development of
27 a feasible, financially viable, initial business plan. An
28 individual must have obtained any occupational certification
29 or license necessary to carry out the individual's initial
30 business plan prior to applying for the program. An individual
31 must also file a weekly claim for the self-employment
32 assistance allowance and provide a log of self-employment
33 activities as well as any other information required by the
34 director of the department of workforce development.

35 The bill provides that the requirements to receive regular

LSB 5227SV (2) 84

-4-

je/rj

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2255

1 unemployment benefits relating to availability for work, active
2 search for work, refusal to accept work, and self-employment
3 income do not apply to an individual otherwise eligible to
4 receive a self-employment assistance allowance. The bill
5 provides that an individual who fails to actively engage in
6 self-employment assistance activities full-time is ineligible
7 to receive the self-employment assistance allowance for each
8 week such a failure occurs.

9 The bill provides that the maximum number of individuals
10 eligible for the program at any one time is equal to 5 percent
11 of the individuals receiving regular unemployment benefits.

12 The bill directs the director of the department of workforce
13 development to administer the bill in consultation with a
14 small business development center associated with Iowa state
15 university. The bill also directs the director to comply with
16 the rules and policies of the United States department of
17 labor, where practicable, when adopting rules to implement the
18 bill.

19 The bill is void if federal authorization for the program
20 ends.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2256 - Introduced

SENATE FILE 2256
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2079)

A BILL FOR

1 An Act relating to the noise limit applicable to motor vehicle
2 mufflers and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5814SV (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2256

1 Section 1. Section 321.436, Code 2011, is amended to read
2 as follows:

3 **321.436 Mufflers, prevention of noise.**

4 1. Every motor vehicle shall at all times be equipped with
5 a muffler in good working order and in constant operation to
6 prevent excessive or unusual noise and annoying smoke, and no
7 person shall use a muffler cutout, bypass or similar device
8 upon a motor vehicle on a highway.

9 2. A motor vehicle shall not be operated on a highway with
10 a muffler that emits a noise exceeding ninety-five decibels as
11 measured by the society of automotive engineers standard J1169,
12 May 1998. The department of transportation shall adopt rules
13 prescribing the appropriate equipment to be used for roadside
14 testing of muffler noise.

15 3. This section shall be implemented uniformly throughout
16 the state and shall preempt any county or municipal ordinance
17 regulating mufflers on motor vehicles.

18 EXPLANATION

19 This bill establishes a noise limit for motor vehicle
20 mufflers of 95 decibels as measured by society of automotive
21 engineers standard J1169, May 1998. The standard incorporates
22 noise measurement procedures established by the international
23 organization for standardization. The department of
24 transportation is required to adopt rules prescribing
25 appropriate equipment to be used for roadside testing of motor
26 vehicle muffler noise.

27 Pursuant to current law, a violation of motor vehicle
28 muffler requirements is a simple misdemeanor punishable by a
29 scheduled fine of \$20.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate File 2257 - Introduced

SENATE FILE 2257
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2091)

A BILL FOR

1 An Act relating to requirements for motorists approaching
2 certain stationary vehicles on the highway, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5683SV (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2257

1 Section 1. Section 321.323A, Code 2011, is amended to read
2 as follows:

3 **321.323A Approaching certain stationary vehicles.**

4 1. The operator of a motor vehicle approaching a stationary
5 authorized emergency vehicle that is displaying flashing
6 yellow, amber, white, red, or red and blue lights shall
7 approach the authorized emergency vehicle with due caution and
8 shall proceed in one of the following manners, absent any other
9 direction by a peace officer:

10 a. Make a lane change into a lane not adjacent to the
11 authorized emergency vehicle if possible in the existing safety
12 and traffic conditions.

13 b. If a lane change under paragraph "a" would be impossible,
14 prohibited by law, or unsafe, reduce the speed of the motor
15 vehicle to a speed that is at least ten miles per hour below the
16 posted speed limit and is reasonable and proper speed for the
17 existing road and traffic conditions, ~~which speed shall be less~~
18 ~~than the posted speed limit~~, and be prepared to stop.

19 2. The operator of a motor vehicle approaching a stationary
20 towing or recovery vehicle, a stationary utility maintenance
21 vehicle, a stationary municipal maintenance vehicle, or a
22 stationary highway maintenance vehicle, that is displaying
23 flashing yellow, amber, or red lights, shall approach the
24 vehicle with due caution and shall proceed in one of the
25 following manners, absent any other direction by a peace
26 officer:

27 a. Make a lane change into a lane not adjacent to the
28 towing, recovery, utility maintenance, municipal maintenance,
29 or highway maintenance vehicle if possible in the existing
30 safety and traffic conditions.

31 b. If a lane change under paragraph "a" would be impossible,
32 prohibited by law, or unsafe, reduce the speed of the motor
33 vehicle to a speed that is at least ten miles per hour below the
34 posted speed limit and is reasonable and proper speed for the
35 existing road and traffic conditions, ~~which speed shall be less~~

LSB 5683SV (2) 84

-1-

dea/nh

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2257

1 ~~than the posted speed limit~~, and be prepared to stop.

2 3. a. A person convicted of a violation of this section
3 commits a simple misdemeanor punishable as a scheduled
4 violation under section 805.8A, subsection 11.

5 b. A person convicted of a violation of this section which
6 resulted in an accident causing bodily injury to or the death
7 of another person may be subject to the following penalties in
8 addition to the penalty provided for a scheduled violation in
9 section 805.8A, subsection 11, or any other penalty provided
10 by law:

11 (1) For a violation causing bodily injury to another person,
12 a fine of five hundred dollars.

13 (2) For a violation causing death, a fine of one thousand
14 dollars.

15 c. Upon receiving a record of a person's conviction for a
16 violation under paragraph "a" which resulted in an accident
17 causing damage to the property of another person or bodily
18 injury to or death of another person, the department shall
19 suspend the person's driver's license or operating privileges,
20 upon thirty days' notice and without preliminary hearing, as
21 follows:

22 (1) For a violation causing damage to the property of
23 another person, but not resulting in bodily injury to another
24 person, the department shall suspend the violator's driver's
25 license or operating privileges for ninety days.

26 (2) For a violation causing bodily injury to another person,
27 the department shall suspend the violator's driver's license or
28 operating privileges for one hundred eighty days.

29 (3) For a violation causing death, the department shall
30 suspend the violator's driver's license or operating privileges
31 for one year.

32 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
33 2011, is amended to read as follows:

34 Notwithstanding section 321.482, a person who is convicted
35 of operating a motor vehicle in violation of section 321.178,

LSB 5683SV (2) 84
dea/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2257

1 subsection 2, paragraph "a", subparagraph (2), section
2 321.180B, subsection 6, section 321.194, subsection 1,
3 paragraph "c", section 321.256, section 321.257, section
4 321.275, subsection 4, section 321.276, 321.297, 321.298,
5 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307,
6 321.308, section 321.309, subsection 2, or section 321.311,
7 321.319, 321.320, 321.321, 321.322, 321.323, ~~321.323A~~, 321.324,
8 321.324A, 321.327, 321.329, or 321.333 causing serious injury
9 to or the death of another person may be subject to the
10 following penalties in addition to the penalty provided for
11 a scheduled violation in section 805.8A or any other penalty
12 provided by law:

13 Sec. 3. PUBLIC AWARENESS AND COMPLIANCE PROGRAMS. The
14 department of transportation, in conjunction with the
15 department of public safety, shall establish programs to foster
16 public awareness of and compliance with the requirements of
17 section 321.323A.

18 EXPLANATION

19 Under current law, when the driver of a motor vehicle is
20 approaching a stationary authorized emergency vehicle that is
21 displaying flashing yellow, amber, white, red, or red and blue
22 lights, or a stationary towing or recovery vehicle, utility
23 maintenance vehicle, municipal maintenance vehicle, or highway
24 maintenance vehicle that is displaying flashing yellow, amber,
25 or red lights, the driver is required to move into a lane not
26 adjacent to the stationary vehicle if possible in the existing
27 safety and traffic conditions. If changing lanes would be
28 impossible, unlawful, or unsafe, the driver is required to
29 reduce the speed of the motor vehicle to a reasonable and
30 proper speed for the existing road and traffic conditions,
31 which speed shall be less than the posted speed limit, and be
32 prepared to stop. This bill amends the provision relating
33 to reduced speed by specifying that if making a lane change
34 would be impossible, prohibited by law, or unsafe, the driver
35 shall reduce the speed of the motor vehicle to a speed that is

LSB 5683SV (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2257

1 at least 10 miles per hour below the posted speed limit and
2 is reasonable and proper for the existing road and traffic
3 conditions and the driver shall be prepared to stop.

4 Under current law, a violation of the requirements to move
5 over or slow down when approaching certain stationary vehicles
6 is a simple misdemeanor punishable by a scheduled fine of \$100.
7 However, if the violation causes a serious personal injury,
8 a court could impose an additional fine of \$500 or suspend
9 the person's driver's license for not more than 90 days, or
10 both. If the violation causes a death, a court could impose
11 an additional fine of \$1,000 or suspend the person's driver's
12 license for not more than 180 days, or both.

13 Under the bill, a violation is still a simple misdemeanor
14 punishable by a scheduled fine of \$100, but the bill
15 establishes an additional penalty for violations causing damage
16 to property, revises the existing penalties for violations
17 resulting in bodily injury or death, and makes the driver's
18 license sanctions mandatory. The bill provides that if the
19 violation results in an accident causing damage to the property
20 of another person but not causing bodily injury to another
21 person, the department of transportation shall suspend the
22 person's driver's license or operating privileges for 90
23 days. If the violation results in an accident causing bodily
24 injury to another person, the department shall suspend the
25 person's driver's license or operating privileges for 180
26 days, and the court may impose a fine of \$500 in addition to
27 any other penalty provided by law. This differs from current
28 law, which allows a \$500 fine for violations causing bodily
29 injury which meets the standard for serious bodily injury. The
30 bill provides that if the violation results in an accident
31 causing death, the department shall suspend the person's
32 driver's license or operating privileges for one year and, as
33 is currently the case, the court may impose a fine of \$1,000 in
34 addition to any other penalty provided by law.

35 The bill requires the department of transportation and the

LSB 5683SV (2) 84
dea/nh

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. 2257

1 department of public safety to establish educational programs
2 to promote public awareness and compliance with requirements
3 for motorists approaching certain stationary vehicles.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate Study Bill 3185 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act providing a sales tax exemption for the sale of certain
2 items to a substance abuse treatment provider.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5489XC (1) 84
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. _____

1 Section 1. Section 423.3, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 96. *a.* The sales price of materials,
4 supplies, or equipment sold to a substance abuse treatment
5 provider if such materials, supplies, or equipment shall be
6 directly and primarily used by the substance abuse treatment
7 provider in the treatment of substance abuse.

8 *b.* For purposes of this subsection:

9 (1) "*Substance abuse*" means the same as defined in section
10 125.2.

11 (2) "*Substance abuse treatment provider*" means any person
12 maintaining or conducting any chemical substitutes or
13 antagonists program, residential program, or nonresidential
14 outpatient program, the primary purpose of which is the
15 treatment and rehabilitation of substance abusers or substance
16 abuse, which program is licensed by the Iowa department of
17 public health under section 125.13, subsection 1, or which
18 is exempt from licensure under section 125.13, subsection 2,
19 or which is a state mental health institute designated under
20 chapter 226 that provides substance abuse treatment.

21 EXPLANATION

22 This bill provides a sales tax exemption for the sales price
23 of materials, supplies, and equipment sold to a substance abuse
24 treatment provider, as defined in the bill, if the materials,
25 supplies, and equipment are directly and primarily used by
26 the substance abuse treatment provider in the treatment of
27 substance abuse.

28 By operation of Code section 423.6, an item exempt from the
29 imposition of the sales tax is also exempt from the use tax
30 imposed in Code section 423.5.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

Senate Study Bill 3186 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to retailers maintaining a place of business
2 in this state for purposes of the collection of sales and
3 use taxes, agreements relating to the collection of sales
4 and use taxes, and sales of tangible personal property and
5 services to the state.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5408XC (1) 84
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. _____

1 Section 1. Section 423.1, subsection 48, Code Supplement
2 2011, is amended to read as follows:

3 48. a. "Retailer maintaining a place of business in this
4 state" or any like term includes any retailer having or
5 maintaining within this state, directly or by a subsidiary,
6 an office, distribution house, sales house, warehouse, or
7 other place of business, or any representative operating
8 within this state under the authority of the retailer or its
9 subsidiary, irrespective of whether that place of business or
10 representative is located here permanently or temporarily, or
11 whether the retailer or subsidiary is admitted to do business
12 within this state pursuant to chapter 490.

13 b. (1) A retailer shall be presumed to be maintaining a
14 place of business in this state, as defined in paragraph "a", if
15 any person that has substantial nexus in this state, other than
16 a person acting in its capacity as a common carrier, does any
17 of the following:

18 (a) Sells a similar line of products as the retailer and
19 does so under the same or similar business name.

20 (b) Maintains an office, distribution facility, warehouse,
21 storage place, or similar place of business in this state to
22 facilitate the delivery of property or services sold by the
23 retailer to the retailer's customers.

24 (c) Uses trademarks, service marks, or trade names in this
25 state that are the same or substantially similar to those used
26 by the retailer.

27 (d) Delivers, installs, assembles, or performs maintenance
28 services for the retailer's customers.

29 (e) Facilitates the retailer's delivery of property to
30 customers in this state by allowing the retailer's customers to
31 take delivery of property sold by the retailer at an office,
32 distribution facility, warehouse, storage place, or similar
33 place of business maintained by the person in this state.

34 (f) Conducts any other activities in this state that
35 are significantly associated with the retailer's ability

LSB 5408XC (1) 84

-1-

mm/sc

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. _____

1 to establish and maintain a market in this state for the
2 retailer's sales.

3 (2) The presumption established in this paragraph may be
4 rebutted by a showing of proof that the person's activities in
5 this state are not significantly associated with the retailer's
6 ability to establish or maintain a market in this state for the
7 retailer's sales.

8 c. (1) At any time on or after October 1, 2012, a retailer
9 shall be presumed to be maintaining a place of business in
10 this state, as defined in paragraph "a", if a retailer has an
11 agreement with one or more residents of this state under which
12 the resident, for a commission or other consideration, directly
13 or indirectly refers potential customers, whether by a link on
14 an internet site, telemarketing, in-person presentation, or
15 otherwise, to the retailer, if the cumulative gross receipts
16 from sales by the retailer attributable to those agreements is
17 in excess of ten thousand dollars for the twelve-month period
18 ending on the last day of the most recent calendar quarter.

19 (2) The presumption established in this paragraph may be
20 rebutted by a showing of proof that the resident with whom
21 the retailer has an agreement did not engage in any activity
22 within this state that was significantly associated with the
23 retailer's ability to establish or maintain the retailer's
24 market in this state during the preceding twelve-month period
25 ending on the last day of the most recent calendar quarter.
26 Such proof may consist of sworn written statements from all
27 the residents with whom the retailer has an agreement stating
28 that the resident did not engage in any solicitation in this
29 state on behalf of the retailer during the period in question,
30 provided that such statement is provided and obtained in good
31 faith.

32 **Sec. 2. NEW SECTION. 423.13A Administration —**
33 **effectiveness of agreements with retailers.**

34 1. Notwithstanding any provision of this chapter to the
35 contrary, any ruling, agreement, or contract, whether written



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. _____

1 or oral, express or implied, entered into after the effective
2 date of this Act between a retailer and a state agency which
3 provides that a retailer is not required to collect sales and
4 use tax in this state despite the presence in this state of
5 a warehouse, distribution center, or fulfillment center that
6 is owned and operated by the retailer or an affiliate of the
7 retailer shall be null and void unless such ruling, agreement,
8 or contract is approved by a majority vote of both houses of
9 the general assembly.

10 2. For purposes of this section, "state agency" means
11 the executive branch, including any executive department,
12 commission, board, institution, division, bureau, office,
13 agency, or other entity of state government. "State agency"
14 does not mean the general assembly, or the judicial branch as
15 provided in section 602.1102.

16 Sec. 3. Section 423.36, Code 2011, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 1A. a. Notwithstanding subsection 1,
19 if any person will make taxable sales of tangible personal
20 property or furnish services to any state agency, that person
21 and any affiliate shall, prior to the sale, apply for and
22 receive a permit to collect sales or use tax pursuant to this
23 section. A state agency shall not purchase tangible personal
24 property or services from any person unless that person and any
25 affiliate of that person has a valid, unexpired permit issued
26 pursuant to this section and is in compliance with all other
27 requirements in this chapter imposed upon retailers, including
28 but not limited to the requirement to collect and remit sales
29 and use tax and file sales tax returns.

30 b. For purposes of this subsection, "state agency" means
31 any executive, judicial, or legislative department, commission,
32 board, institution, division, bureau, office, agency, or other
33 entity of state government.

34 EXPLANATION

35 This bill relates to the collection of sales and use taxes

LSB 5408XC (1) 84

-3-

mm/sc

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. _____

1 by retailers maintaining a place of business in this state,
2 agreements relating to the collection of sales and use taxes,
3 and sales of tangible personal property and services to state
4 agencies.

5 A retailer located in this state, or maintaining a place of
6 business in this state, must collect and remit sales and use
7 taxes to the department of revenue. Currently, as defined in
8 Code section 423.1, the term "retailer maintaining a place of
9 business in this state" includes certain places of business,
10 and representatives operating under the authority of the
11 retailer.

12 The bill provides that a retailer will be presumed to be
13 maintaining a place of business in this state if any person
14 that has substantial nexus in this state, other than a common
15 carrier, engages in any of six activities specified in the
16 bill. The presumption may be rebutted by a showing of proof
17 that the person's activities are not significantly associated
18 with the retailer's ability to establish or maintain a market
19 in this state for the retailer's sales.

20 The bill also provides that, on or after October 1, 2012, a
21 retailer will be presumed to be maintaining a place of business
22 in this state if the retailer has an agreement with one or
23 more residents of this state whereby the residents receive
24 consideration for referring potential customers to the retailer
25 through the internet, telephone, or in person, and those
26 agreements yield in excess of \$10,000 of gross receipts per
27 year. The presumption may be rebutted by a showing of proof
28 that the residents with whom the retailer has an agreement did
29 not engage in any activity within this state during the year
30 that was significantly associated with the retailer's ability
31 to establish or maintain the retailer's market in the state,
32 which proof may consist of sworn written statements stating
33 that the resident did not engage in any solicitation in this
34 state on behalf of the retailer during the year, so long as the
35 statement is provided and obtained in good faith.

LSB 5408XC (1) 84

-4-

mm/sc

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 22, 2012

S.F. _____

1 The bill provides that any ruling, agreement, or contract
2 entered into after the effective date of the bill between a
3 retailer and a state agency which provides that a retailer is
4 not required to collect sales and use tax in this state despite
5 the presence in this state of a warehouse, distribution center,
6 or fulfillment center owned and operated by the retailer or
7 an affiliate shall be null and void unless it is specifically
8 approved by a majority vote of both houses of the general
9 assembly. For purposes of this provision of the bill, "state
10 agency" does not include the general assembly or the judicial
11 branch.

12 The bill provides that no person shall make taxable sales
13 or furnish taxable services to a state agency unless that
14 person and their affiliates obtain a sales tax permit. Also,
15 the state is prohibited from purchasing taxable property
16 or services from any person unless that person and their
17 affiliates have a valid, unexpired sales tax permit and are
18 in compliance with all other sales tax laws imposed upon
19 retailers. For purposes of this provision of the bill, "state
20 agency" includes the executive branch, the general assembly,
21 and the judicial branch.